

2013

# IMPLICATIONS OF CHILD ABDUCTION FOR HUMAN RIGHTS AND CHILD WELFARE SYSTEMS: A CONSTRUCTIVIST INQUIRY OF THE LIVED EXPERIENCE OF GUATEMALAN MOTHERS PUBLICALLY REPORTING CHILD ABDUCTION FOR INTERCOUNTRY ADOPTION

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FOR INTERCOUNTRY ADOPTION

A Dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of  
Philosophy at Virginia Commonwealth University.

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April 25, 2013

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## **Acknowledgements**

“It takes a village to raise a child,” says the old African proverb. While completing this dissertation paper, I realized that apparently, it “takes a village” to complete a dissertation project also. This dissertation work would have not been possible without the research participants. I would like to thank these mothers who reported their children abducted in Guatemala, and whose voices are missing in the literature. To them, I am most grateful, for sharing their pains as well as their joys during the intensive interview process and the review of the findings of this research. To them, I dedicate this dissertation work and whatever I do with it afterwards.

This dissertation was also possible thanks to the dedication and patience of many Guatemalan collaborators. I would like to thank the Fundación Sobrevivientes, its Director, Norma Cruz, a “woman of courage,” and all of the staff members from the lawyers, social workers, and psychologist, to the receptionists and the security staff, all of whom provide critical services to women suffering violence in Guatemala. My deepest gratitude to my two Guatemalan cultural consultants, who opted to remain anonymous, and to the director and staff of the Women’s Institute of the University of San Carlos of Guatemala, all of whom played a critical role in the various research stages, ensuring that the research work would be more culturally and ethnically appropriate and that a gender perspective would be considered throughout.

My special thanks to my former Chair Karen Rotabi, Ph.D., who inspired me to focus on this issue and guided me every step of the way; to my methodologist Mary Katherine O’Connor, Ph.D., who showed me the true generosity of scholarship with her time, energy, and commitment to constructivist research; to my mentor Judith Gibbons, Ph.D., for her invaluable knowledge of cross-cultural research, especially in Guatemala; and to my peer reviewer Justin Lee, Ph.D. who selflessly shared his expertise during the interview process and data interpretation. I am most

appreciative to my current Chair, Humberto Fabelo, Ph.D., and my external member, Rosalie A. Corona, Ph.D., both of whom contributed timely insights from their own experience of conducting international, bilingual research. I am also grateful to my translation reviewer, Jennifer Casolo, Ph.D. who dedicated many hours reviewing the translation of research materials from Spanish to English and the corresponding back translations. Special thanks to my research assistant Afton Bradley, and my editors, Jennie Vaughn and Maya Porter, who supported me at different stages of the dissertation process. My gratitude to the instructors and mentors, Dr. Mary Secret, Dr. Pamela Kovacs and Dr. Monica Leisey, who inspired me in multiple forms.

I would like to give special thanks to those who provided me with financial support and encouragement. From the Council of Social Work Education (CSWE)'s Minority Fellowship Program (MFP), I would like to express my gratitude to Jenny Jones, Ph.D., and Geraldine L. Meeks, Ph.D., who introduced me to the MFP and mentored me while I was a Minority Fellow in 2009–2011. From the Rotary Foundation (RF) and Rotary International (RI), I would like to thank Jim Bynum, District Governor 2011–2012 (sponsoring district); Karin Jimenez, Scholarship Coordinator, James River Rotary Club (sponsoring Club); Bob Preston, past District Governor and past Rotary Foundation Chair; and William Pollard, District Rotary Foundation Committee Chair 2010–13 and Past District Governor 2008–09, all of whom guided me and cheered me up to serve as an Ambassadorial Research Scholar in 2011–2012.

Finally, thank you to my family and friends, especially Maria Diaz, Karla Parker, Benjamin Davis, Priscilla Witwer, Alcira Aldaña, Marco del Fuego, and Hugo Bonilla, who supported me in multiple forms in this process. I am offering this work to them, and to the larger community and future generations, as an example of an international research done with a noble inspiration and the appropriate technical, financial, and emotional support.

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## **Abstract**

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Virginia Commonwealth University, 2013

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### **Abstract**

The Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption was agreed upon in 1993 at the Hague Conference on Private International Law to address growing allegations of abduction, sale, and trafficking of children around the world. The Hague Convention guides countries to attend to the “best interest of the child” in making decisions on intercountry adoptions, and to apply the “principle of subsidiarity,” which calls for the consideration of family and kinship placement and national adoption prior to the consideration of intercountry adoption. This dissertation research focused on the experience of Guatemalan mothers reporting the abduction of their children for intercountry adoption. It examines implications for human rights and the child welfare system.

In countries where child abduction allegations have been widespread, illegal adoption has been found to be a common practice and is the result of international child trafficking. Large financial gains are implicated in this type of organized crime, which appears to promote baby selling. In countries enacting the Hague Convention, the continuation of these allegations points to the governments' inability to prosecute and penalize those responsible. Illegal adoptions pose significant threats to the ethical standards set by the Central Authorities established to implement the Hague Convention. Child abduction has been found to complicate and delay the determination of adoptability, and to undermine due process for legitimate intercountry adoptions. Child abduction has profound effects on grieving mothers and their families after the loss of their children with no resolution in sight.

This constructivist research documents the story of three Guatemalan women who reported to public authorities the separate and unrelated abduction of their respective daughters in 2006. The case study report is a "thick description" of the lived experience of these mothers before, during, and after the child theft. The narration comprises an interpretation of their experience, or the participants' meaning-making of such experience. Based on the mothers' accounts, their victimization at the hands of child traffickers was followed by victimization by public authorities, who did not exercise due diligence in these child abduction cases. After these survivors exhausted their individual searches for their children, they approached the Fundación Sobrevivientes, who provided them with legal representation and psychosocial support. Together with other mothers, these women publicly advocated for their rights and the rights of their children. Their collective response to this form of violence was critical to accessing the case files in which they identified their abducted children. By engaging in individual legal claims, the

participating mothers have sought nullification of each intercountry adoption and the prosecution of those involved in the corresponding illegal and corrupt activities.

To conduct this constructivist inquiry, the researcher spent a year in Guatemala, completing prior ethnography for the emerging design and carrying out the interviews. This involved engaging participants with the researcher in a “dialectic hermeneutic process” through multiple “waves” of interviews (at the personal, practice, and policy levels), concluding with two phases of “member checking” or participants’ review of the research findings. To enhance rigor, besides analyzing the relevant literature, the process involved peer and translation reviewers and consultations with national and international scholars with relevant knowledge and expertise, including dissertation committee members. The four elements of the working definition of child abduction developed from the literature review (child theft, deceptive, coercion, and fraud) and other hypothesis on child abduction were confirmed in the mothers’ stories and by the research participants. The tentative findings or lessons identified in this constructivist inquiry should not be considered generalizable, but as “joint constructions” or co-creations between the research participants and the researcher. Based on general guidelines, the readers are encouraged to make their own assessment of the case report, and decide on whether the findings are relevant or may be replicable in other contexts.

## Chapter 1: Introduction

The topic of this social work dissertation is the abduction of children in Guatemala for adoption internationally. The research investigated the implications of child abduction for child welfare and adoption from the perspectives of three Guatemalan mothers who reported that their children had been abducted for intercountry adoption (Estrada Zepeda, 2009). The children in question had reportedly been found adopted by and living with families in the United States. The context of the research is the implementation of the Hague Convention of May 29, 1993, on Protection of Children and Co-operation in Respect of Intercountry Adoption (hereafter referred to as the Hague Convention or simply the HCIA) and other in-country relevant regulations. This dissertation includes this introduction (Chapter 1), a preliminary literature review conducted for research design (Chapter 2), the methodology used in the research process (Chapter 3), a thick description of the case study (Chapter 4), and the research implications (Chapter 5).

Countries subscribed to the HCIA agree to “ensure that intercountry adoptions are made in the *best interests of the child* and with respect for his or her fundamental rights, and to prevent the abduction, the sale of, or traffic in children” (Hague Conference on Private International Law [HCCH], 1993a, p. 1, emphasis added). The HCIA declares that countries subscribing to it should take “appropriate measures to enable the child to remain in the care of his or her family of origin” but recognizes that intercountry adoption “may offer the advantage of a permanent family” when a suitable placement is not available in the child’s country of origin (HCCH, 1993a, p. 1). The *best interest of the child* is considered paramount for guiding decisions made about a child’s entry into alternative care systems, including intercountry adoption. An extensive review of the literature on the best interest of the child and other key components of the HCIA are presented in Chapter 2.

The research conducted is anchored in the constructivist paradigm. A paradigm is “a distillation of what we think about the world” (Lincoln & Guba, 1985, p. 15) or simply “how one orders reality” (Rodwell, 1998, p. 259). The constructivist paradigm is “subjective” and “emergent” with a process of gathering knowledge that is circular and influenced by culture (Burrell & Morgan, 1979), with “an identifiable structure. . . [but with contents that are] unknown until the completion [of the process]” (Rodwell, 1998, p. 61). The paradigm draws from *constructivism*, which is both “a philosophical framework and an approach to research and clinical practice that assumes reality is constructed, based on intersubjectively achieved meaning that cannot [be] generalize[d]” (Rodwell, 1998, p. 254).

Lincoln and Guba (1985) refer to this paradigm in multiple ways, including as (a) “alternative” to the positivist paradigm, which emphasizes rationality, pragmatism, determinism, reductionism, and truth-seeking (pp. 7, 24–28); and (b) “naturalistic,” or bounded to a particular context, and implicated in meaning-making and in values-bound inquiry (pp. 37–38). Recognizing that multiple realities are “constructed realities” by individuals, Guba and Lincoln (1989) prefer to term it “constructivist paradigm,” although it is indistinctively called “naturalistic, hermeneutic [centered on interpretation and meaning-making] or interpretative [of the subjective experience] paradigm” (p. 83). Guba and Lincoln (1989) “use the terms *constructivism* and *constructivist* to label the paradigm and the person engaged in carrying it out, respectively” (p. 19).

The research focused on a “problem” derived from the interaction of two or more factors and producing an enigmatic state (“conceptual problem”), a conflict among alternatives (“action problem”), or an undesirable consequence (“value problem”) (Lincoln & Guba, 1985, p. 226). Thus, the focus of the constructivist inquiry was not a “thing-to-be-evaluated” (an “evaluand”) or

a policy option, which is the focus of a policy analysis (Lincoln & Guba, 1985, p. 227). This research on child abduction was carried out from the perspective of Guatemalan mothers whose voices have been found relatively undermined in the policy process (Rotabi & Gibbons, 2012).

Specifically, the research provides a context-bound and highly descriptive account of the experience of three women who had reported child abduction, a “thick description” of their experience (Lincoln & Guba, 1985, p. 125). This account is expected to inform the policy and practical implementation of the HCIA and relevant in-country regulations. The research question is twofold: *What is the meaning of child abduction for intercountry adoption in the context of the implementation of the HCIA in Guatemala? What is the lived experience of Guatemalan mothers who publically report that their children were abducted for intercountry adoption?*

A “working hypothesis” or a “hypothetico-deductive mean” was formulated tentively for the inquiry and not as a generalization (Lincoln & Guba, 1985, p. 122). The main working hypothesis is that it is possible to define child abduction. Thus, a working definition about child abduction and other working hypotheses on child abduction were drawn from literature review during prior ethnography, and later discussed and modified with the participants during member checking. The research aimed to capture the lived experience and the perspectives of three mothers who publicly reported having their children abducted for intercountry adoption. The research approach was developed through three “waves” (rounds) of interviews examining the personal experience of abduction as well as the women’s experience with systems response, the practice and policy dimensions of their experience. As discussed in Chapter 3, to engage participants in the hermeneutic dialect process while observing privacy and confidentiality, they were interviewed individually by wave; that is, one participant was interviewed after another one after completing the first wave and so on. The research also investigated the multiple roles they

assumed in their particular situations, as victims and survivors of violence (i.e., child abduction) and as self-advocates in the search to locate their children and obtain justice. These dimensions and roles were examined historically (i.e., grounded in the life experience of these women) and contextually (i.e., embedded in the HCIA implementation in Guatemala, including relevant in-country regulation).

The researcher's prolonged engagement (long-term stay) in the natural setting (Guatemala), the extensive interviewing of the selected stakeholders (the aforementioned mothers), and other constructivist techniques (described in Chapter 3) brought qualitative *rigor* (e.g., authentic findings and credible interpretation) to the investigation (Guba & Lincoln, 1989; Lincoln & Guba, 1985; Rodwell, 1998). Because the inquiry had an emergent design, it permitted multiple realities and allowed for the focus of the investigation to change as the research evolved (Lincoln & Guba, 1985). Research rigor must meet certain criteria for *trustworthiness*, or confidence in the findings (Lincoln & Guba, 1985). As explained in the corresponding section, to enhance rigor, the inquiry involved several techniques considered in constructivist inquiry (Lincoln & Guba, 1985; Rodwell, 1998), such as *member checking* (review by respondents) and *experts consultation* (i.e., review by experts on the topic and/or methodology).

Although an *auditing process* (involving a person who is external to the study but knowledgeable about the topic) is part of the constructivist research (Lincoln & Guba, 1985; Rodwell, 1998), this element was not included in this research design due to the transcultural nature of the research and the limited availability of trusted individuals with thematic and methodological expertise who could perform as bilingual and bicultural research auditors. A *formal review panel* of research stakeholders, which is another feature of constructivist inquiry



(Lincoln & Guba, 1985; Rodwell, 1998), was not established. However, a formal peer review process was established, and a report from Justin Lee, Ph.D., may be found as Appendix D.

*Reflexive and methodological journals* and other recordkeeping instruments were kept and made available to the peer reviewer for process oversight. In addition, two “cultural consultants” were enlisted as well as thematic experts, bilingual professionals, and nationals or foreigners conducting research in Guatemala for extended periods. The cultural consultants and the translation reviewer assisted in the emergent design and through the research development—letters of confirmation from them were submitted to the Institutional Review Board (IRB) and their reports included as Appendices E and F. Details about rigor as well as other methodology aspects are included in Chapter 3.

The case study report contained in Chapter 4 is the “thick description” of the experience of the research participants (Lincoln & Guba, 1985). Introducing the case report are guidelines for the reader about the nature of the research conducted and what to expect in reading the report. These guidelines do not tell the reader how to interpret what he or she reads but how to read the report. The narrative is “pitched at about the fifth grade, which is the same level as most public service announcements and brochures” (Rodwell, 1998, p. 174). It is both a presentation of the joint constructions emerging from the hermeneutic dialectic process and a demonstration of the “authenticity dimensions of the entire process” (Rodwell, 1998, p. 174), given that the report and many research materials are subjected to a member checking procedure explained in detail in Chapter 3.

The case report asserts the emergent nature of the design as well as the context-bounded results of the research process. The story is narrated in two parts: a report of the experience itself, as it happened sequentially (before, during, and after the child theft), and an interpretation of the

experience, the participant's meaning-making of such experience. Although the researcher wrote the tentative lessons learned (negotiated outcomes from the process), the participants reviewed them during member checking. All of these elements are also included in Chapter 4.

The researcher's discussion of the tentative lessons learned (contained in Chapter 5) situate the participants' experience from a perspective in the Guatemalan and global contexts. Next is an introduction to the main conclusions and implications of the research carried out. At the root of child abduction for intercountry adoption has been the victimization of women from low-income families and of indigenous origin, as well as the corruption and impunity of public institutions. Under the historical conditions, intercountry adoption nurtured relations of oppression among families from high-income countries (adoptive families) with families from low-income countries (families of origin). The HCIA "loopholes" (discussed in Chapter 2) undermined child protection and the country's ability to ensure the rights of children and their families. In spite of these adverse circumstances, women participating in the research were empowered through the search for their children and their engagement in policy advocacy.

Important lessons were drawn from this cross-cultural, international, and constructivist research. The research has attended the IRB guidelines regarding international research and vulnerable groups and made provisions that went beyond those required in order to ensure human subject protection. The emergent nature of the research enabled the researcher to immerse herself in the Guatemalan culture, in order to understand better the participants, their history, and the context. This emergence informed the research findings and recommendations. In her quest to bound her own subjectivity, the researcher kept journals and other research records while ensuring open and productive cross-cultural interactions with the participants, making possible the hermeneutic dialectic process. Writing the final report was a challenge because it had to

include a “thick description” of the case study, a complex process of member checking, and the multiple reviews and feedback (for context, not triangulation) on the case study by the peer reviewer, cultural consultants, translation reviewer, and other experts.

Chapter 5 contains a number of possible implications for international social work and child welfare practice and policy, for social work research, and for social work education in Guatemala and the United States. The researcher stresses the importance of addressing the numerous HCIA “loopholes” by, for example, improving country regulations and providing technical assistance to countries such as Guatemala. To improve HCIA implementation in that country, strengthening of the institutional mandates and operations of Guatemalan public institutions is suggested. Several potential areas for qualitative and quantitative research are identified and specific suggestions are made regarding follow-up research. The use of this case study for social work education is suggested as a way of expanding education on international social work. Collaboration between Guatemalan and U.S. universities is suggested to enhance the country’s capacity to improve its existing child welfare system.

### **Historical Context and Problem Statement**

#### **International Adoption: Global Trends and Dynamics**

Contemporary intercountry adoption dates back to the mid 1940s, and since World War II, approximately one million children have been adopted internationally (Selman, 2012). The movement or circulation of children has traditionally been from low-resource nations in the global South to more industrialized, high-resource nations in the North (O’Halloran, 2006; Rotabi & Gibbons, 2012; Selman, 2009). Sociopolitical conflict and regressive fertility policies such as limited access and use of birth control in “sending” countries have been part of the historical context of ICA (Hollinger, 2005; Selman, 2002), as has the preference in receiving

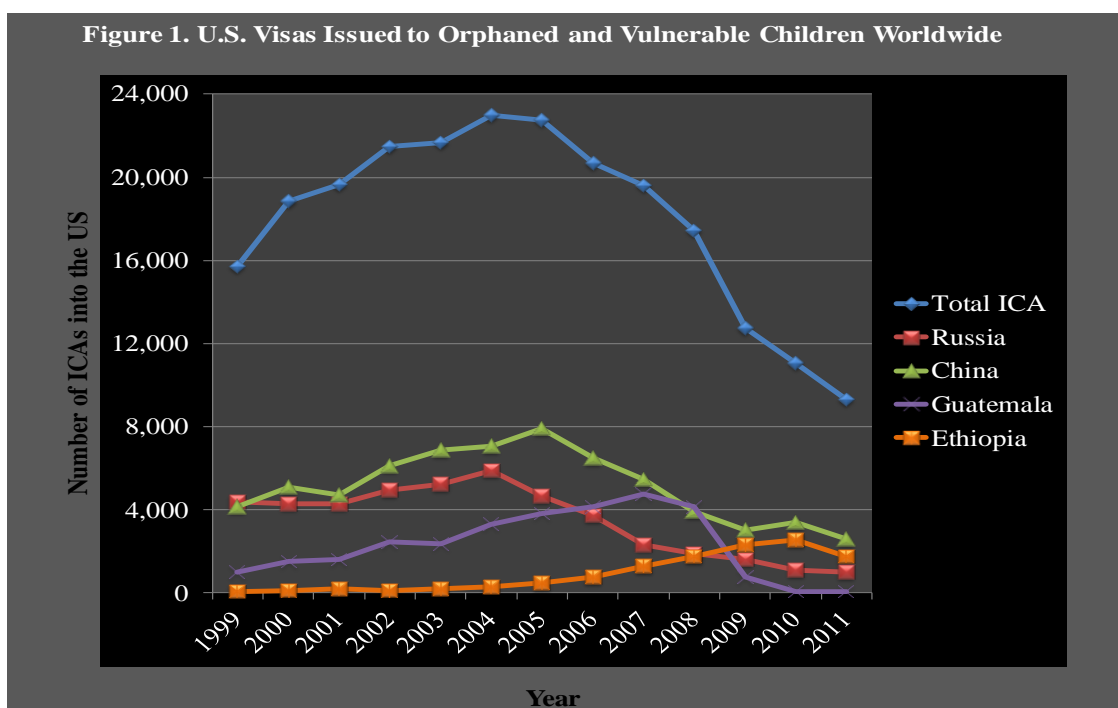
countries for young, healthy children including abandoned girls, mostly fair-skinned (Barret & Aubin, 1990; Brown, 2009; Dickens, 2009; Johnson, Banghan, & Liyao, 1998; Smolin 2010).

In 1991, Altstein and Simon identified five phases in intercountry adoption that coincided with key world and regional events: (a) post-War World II, (b) the end of the Korean and Vietnam Wars, (c) the civil wars and economic instability in Latin America, (d) the end of the Cold War, and (e) China's one-child-per-family policy. Based on the literature review, the researcher has identified new phases: (f) rapid globalization of intercountry adoption and the Guatemala case (Abebe, 2009; Dowling & Brown, 2009; Triseliotis, 2000), (g) the era of major intercountry adoption reforms (Masson, 2001; Roby, 2005; Rotabi & Bunkers, 2011; Schmit, 2008), and (h) "loopholes" in intercountry adoption standards and the Africa case (Abebe, 2009; Bunkers, Rotabi & Mezmur, 2012; Selman, 2009). Each of these historical phases is presented in Chapter 2.

The intercountry adoption literature reveals a number of perspectives about the evolution and trends of intercountry adoption; perspectives are values or views of the world that allow participants to manage themselves while participating (Payne, 2005). The researcher has identified the following perspectives: (a) global social justice and human rights, (b) ecological, feminist, and cultural perspectives, and (c) considerations of social policy and child welfare practice. Each of these perspectives is presented in Chapter 2.

In fact, most international adoptions have not occurred in a vacuum, nor has the significant decrease in international adoptions since 2004 (Selman, 2006, 2009). With the ratification and implementation of the Hague Convention worldwide, the contracting countries have adopted new regulations and greater restrictions governing the practice of international adoption, reducing the observed number of international adoptions (Bartholet, 2010; Selman,

2012 ). Figure 1 below shows the upward and downward trend in intercountry adoptions experienced by the United States, the largest “receiving” country in the world (Selman, 2009). Although the downward trend in United States visas issued to orphaned and vulnerable children worldwide started in 2004, this country enacted the Intercountry Adoption Act (IAA) in 2000 but the IAA did not go into effect until April 2008. This and other dynamics discussed in Chapter 2, such as the existence of “loopholes” in the Hague Convention, makes the decrease far more complicated to understand and describe, particularly when looking at “top countries” in the last decade.



The top line indicates total number of adoptions, with a little under 23,000 adoptions per year at the highest point and significant reductions of approximately 60 percent in 2004 (U.S. Department of State, 2011a). The graph also shows a reduction in adoptions from Guatemala, which became one of the largest “sending” countries (U.S. Department of State, 2011a; Rotabi, 2007) prior to the moratorium on international adoptions from that country in 2007. The only

country that has experienced growth in international adoptions is Ethiopia, a country not a signatory to the Hague Convention (Bunkers, Rotabi & Mezmur, 2012), with about 1,700 adoptions in 2011 (U.S. Department of State, 2011a).

### **Child Abduction and the Hague Convention**

As the demand for children in industrialized nations increased, the commercialization of children in intercountry adoption followed; as a result, intercountry adoption became intertwined with child trafficking (Meier, 2008). Based on the Optional Protocol on the Sale Of Children, Child Prostitution and Child Pornography, Meier (2008) offers a broad definition of child trafficking, as “buying, selling, or stealing children for personal gain” (p. 186). Meier asserts that child trafficking became a pervasive, criminal, organized activity; to dramatize this trend, she characterized children as “small commodities” of this global, profitable, and illegal trade (p. 185). Smolin (2007) characterizes the process of this activity as “child laundering” in an attempt to draw a parallel between illegal and irregular intercountry adoption and the cash laundering of organized crime observed in the international black market. Hollinger (2004) affirms that intercountry adoption has become “a lucrative, largely unregulated multinational and multimillion dollar industry, annually producing tens of thousands of, for the most part, stable adoptive families but also generating even higher profits for thousands of adoption ‘service providers’ and facilitators” (p. 42). Inadequate child welfare systems and the increasing trafficking, sale, and abduction of children have been a major concern for many nations since the end of World War II (HCCH, 2008b), but global, coordinated action to regulate intercountry adoption was initiated only in the last two decades, dating back to the early 1990s.

The HCIA was enacted to address problems of child trafficking, specifically targeting activities of both child sales and child abduction (HCCH, 1993b), and its outcomes have been

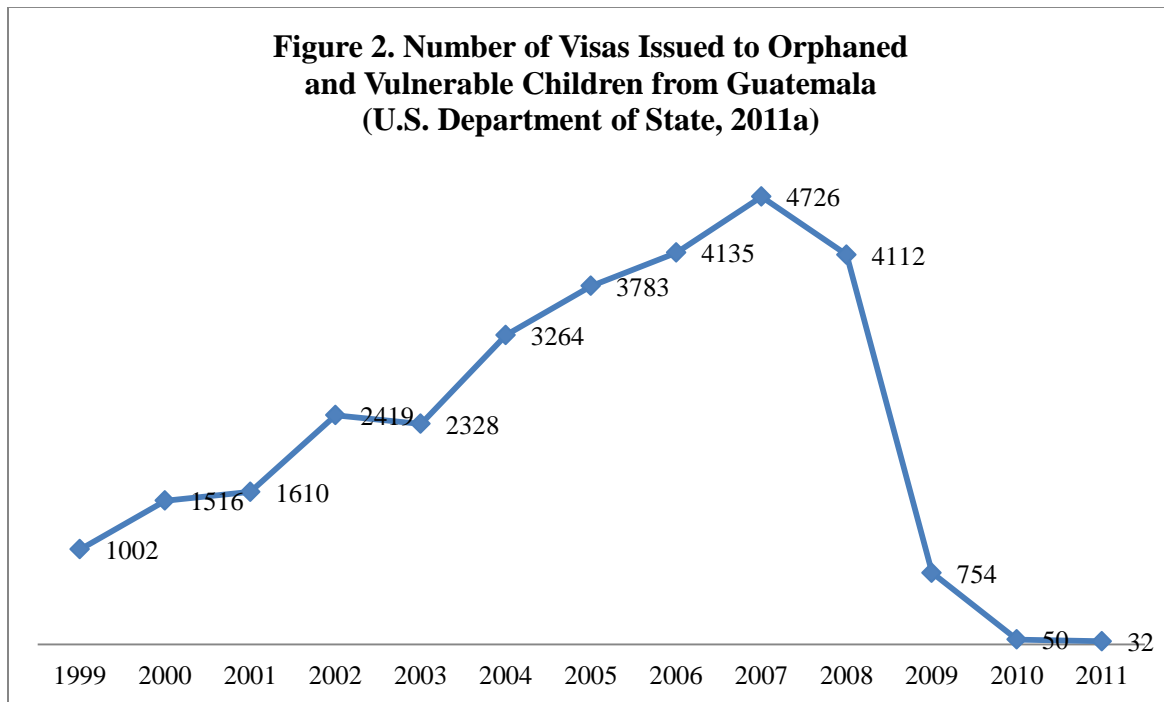
numerous and mixed (Rotabi & Gibbons, 2012). Preliminary reviews of HCIA implementation around the world indicate that many contracting countries are far from achieving satisfactory standards in ensuring child protection within and across their borders (e.g., Bailey, 2009a; Bergquist, 2009; Bunkers & Groza, 2012; Rotabi & Gibbons, 2009; Selman, 2009; Smolin, 2005b; 2010). However, as presented in Chapter 2, trends of insufficient safeguards, a weak protective system, and lack of transparency in the adoption process are especially evident in Guatemala (e.g., Brown, 2009; Bunkers, Groza, & Lauer, 2009; Casa Alianza et al., 2007; Gibbons, Wilson, & Schnell, 2009; Rotabi & Bunkers, 2008; Rotabi & Morris, 2007; Rotabi, Morris, & Weil, 2008).

### **Intercountry Adoption and the Abduction and Sale of Children in Guatemala**

Intercountry adoptions from Guatemala grew significantly in the two decades prior to December 2007, just before the nation placed a moratorium on them. During the 1980s, the annual worldwide average of intercountry adoptions from Guatemala was 224; between 1998 and 2006, that average grew to 3,726 (United Nations, 2009), a 93% increase. In fact, while the rest of the world experienced a substantial downturn in intercountry adoptions beginning in 2004, intercountry adoptions from Guatemala continued increasing, making this nation the second country after China to which the United States was issuing “orphan” visas during 2006 and 2007, and in 2008 Guatemala was the top sending country (Rotabi, 2007; U.S. Department of State, 2011a).

Prior to the 2007 intercountry adoption moratorium, “Guatemala had the highest [adoption] ratio of all sending countries, with one out of every 100 live births leading to an overseas adoption, a level exceeded only by Korea in the 1980s, Romania in 1990–1 and Bulgaria in 2002–3” (Selman, 2009, pp. 584–585). The annual statistics of U.S. visas issued to

orphaned and vulnerable children from Guatemala for more than 10 years (U.S. Department of State, 2011b) show a rapid growth in intercountry adoptions until the moratorium went into effect in Guatemala. Figure 2 depicts this increasing trend followed by an abrupt decrease in 2007. As discussed later, since the majority of international adoptions from Guatemala were to the United States prior to that date, this figure also provides a global outlook.



Guatemala has enacted or agreed to implement international conventions regarding child protection, child adoption, and human trafficking, and has taken relevant legal and administrative measures. Yet, despite these measures, it has fallen short in ensuring adequate safeguards (U.S. Department of State, 2011b) and in preventing child abduction for adoption (HCCH, 2007b). Guatemala ratified the HCIA in 2002 and began to enforce it in March 2003 (HCCH, 2011; UN, 2009). However, the Constitutional Court of Guatemala declared the accession unconstitutional, and it was not until May 2007 that finally, after significant policy advocacy and fierce legal battles, the Congress of Guatemala approved HCIA (Comisión Internacional contra la



Impunidad, CICIG [International Commission against Impunity in Guatemala], 2010; HCCH, 2007a). On December 11, 2007, the HCIA became operational in Guatemala when the Decree No. 77-2007 (known as the new adoption law) was enacted; it went into effect immediately after Congressional approval (CNA, 2007). As discussed in the country's context in Chapter 4, other national regulations became essential to the implementation of the new adoption law in Guatemala.

The HCIA requires all subscribed nations to assign a Central Authority to oversee adoption (HCCH, 1993a). In Guatemala, that authority is the Consejo Nacional de Adopciones (Guatemalan National Adoption Council, referred to by its Spanish acronym CNA), which in September 2007 announced that all new intercountry adoptions were suspended (CICIG, 2010). The Solicitor's General Office (referred to by its Spanish acronym PGN) handled 3,342 adoption cases during the "transition" period since enacting the new adoption law (CICIG, 2010). Many irregularities have been found among the "transition cases," and some of the children were returned to their birth parents while others have been placed in institutions and are waiting for final determination of their cases (CICIG, 2010). As of April 30, 2011, the United States Citizenship and Immigration Services (USCIS) and Guatemala had 378 pending "active" cases (U.S. Department of State, 2011d).

Guatemala has been implementing the HCIA with mixed policy outcomes, having triggered a reform process while settling the nation into a default moratorium (Rotabi & Bunkers, 2008). Guatemala needs to develop sufficient capacity to ensure compliance with HCIA standards (HCCH, 2007a), and has yet to address irregularities, such as ensuring complete processing of pending cases filed prior to the implementation of new adoption regulations (U.S. Department of State, 2011a). For truly eligible children with legitimate permanency needs,

delays in processing intercountry adoptions are devastating to their physical, psychological, and social well-being (Juffer & Tieman, 2009).

The Special Commission of the Practical Operation of the HCIA has recently brought attention to the continued problem of child abduction, sale, and exploitation around the world (HCCH, 2010). A 2007 Hague Conference Liaison Legal Officer for Latin America undertook the mission to Guatemala, and gathered documentation and opinions from various country stakeholders about the allegations of child stealing and trafficking of children in that nation (HCCH, 2007b). Key informants to this report included organizations such as the Fundación Sobrevivientes (2009), a nongovernmental organization (NGO) supporting the aforementioned mothers alleging abduction of their children for intercountry adoption, and to whom participant access has been requested—a letter of support from this gatekeeper was submitted to the IRB for approval of research plan, prior to starting the participant interviews.

The mentioned HCIA Commission calls subscribers to observe “strict adherence to the requirements of free and informed consent to adoption [on the part of birth parents]” (HCCH, 2010, p. 1). In Guatemala, relinquishments (with voluntary or forced parental consent prior to the adoption), as well as cases of child abduction by noncommunity members, have on occasion resulted in community disapproval, collective punishment, and even public lynching in indigenous communities (Bunkers et al., 2009; HCCR, 2007b; Rotabi et al., 2008). However, the stories of abduction and selling of children in Guatemala because of low socioeconomic status, intra- or extra-family coercion, and similar reasons have not been the focus of rigorous academic research (Dubinsky, 2010; Rotabi & Gibbons, 2012). Some researchers have captured the experiences of birth mothers indirectly. For example, research conducted on the experience of 16 foster parents in intercountry adoption (Gibbons et al., 2009) provided information on birth

mothers and their motivations to proceed with adoption due to poverty and other reasons not admissible in legitimate adoption procedures. The Fundación Sobrevivientes commissioned a legal study on human trafficking (Estrada Zepeda, 2009) documenting the stories of mothers reporting having their children stolen and later trafficked for intercountry adoption. With support from the Fundación Sobrevivientes, the three aforementioned mothers have taken the legal cases of the irregular, fraudulent adoption of their daughters to family and criminal courts while generating national and international media coverage. However, no relevant academic research has been conducted. The importance of carrying out constructivist research *about* and *with* these mothers is that their cases challenge the process and procedures of adoption before the reform of the system, specifically the emphasis on verification of child relinquishment or abandonment prior to adoption rather than child abduction in Guatemala.

### **Theoretical Underpinnings**

#### **Definitional Introduction**

In the early stages of research, the researcher's choice of paradigms, conceptual frameworks, and methodologies shape the focus of the investigation (Lincoln & Guba, 1985, O'Connor & Netting, 2010). A paradigm is "the general organizing principle governing perceptions . . . ; it is the worldview with a set of axioms [basic beliefs] and systems [coherent elements of a whole], all related to one another for disciplined inquiry" (Burrell & Morgan, 1979, p. 259). Guba (1990) defines paradigms as "cultural constructs" with their "own logic implying an analogy of "paradigm-as-culture" (pp. 108, 110). Theories are said to be organized statements of ideas about the world; there are formal theories (written, established within the profession) and informal theories ("constructions" from practical experience) (Payne, 2005).

Essentially, “constructions are literally, *created realities*” and they come about from “the interaction of a constructor [researcher, research participants]” with “information, contexts, settings, situations, and other constructors, using a process that is rooted in the previous experience, belief systems, values, fears, prejudices, hopes, disappointments and achievements of the constructor” (Guba & Lincoln, 1989, p. 143). Concepts are words or phrases that describe an abstract idea or mental image of some phenomenon (Fawcett, 1992) and frameworks are frames of reference for action (Payne, 2005). Thus, conceptual frameworks are general guides informing practice. Methodologies are “guiding strategies” for conducting research while methods are “tools and techniques” and they need not be confused with each other (Guba & Lincoln, 1989, p. 158) and with other terms defined here.

### **Paradigmatic Framework**

The identification of the paradigmatic framework for the research constituted the most essential theoretical underpinning; by doing this, the researcher brought rigor to the investigation as suggested in Rodwell (1998). Prior to that identification, a discussion on the ontology (nature of reality) and epistemology (the relationship between the knower and what is to be known) of what is to be known is introduced; understanding these questions are essential for selecting the methodology (the ways of finding out knowledge) used (Guba, 1990; Guba & Lincoln, 1989). Burrell and Morgan (1979) offer a paradigmatic framework that includes four different paradigms: (a) the functionalist paradigm, which is realist, objective, linear, individualistic, and aims at social order; knowledge is gained mainly through quantitative analysis; (b) the interpretive paradigm, which is subjective and emergent, with multiple realities; it recognizes that the process of gathering knowledge is circular and influenced by culture and mostly uses qualitative analysis; (c) the radical structuralist paradigm, which is realist, and claims that

conflict leads to social liberation, the use of negotiated outcomes, changes in social structures (chaos), and collaboration and mutual influence; and (d) the radical humanist paradigm, which focuses on the subjective reality of self and considers social action to be unnecessary for consciousness raising and self-liberation.

Guba (1990) offered a paradigmatic view synthesizing Burrell and Morgan's framework and seeming to be more adequate for social policy research. Guba's positivist and constructivist paradigms are equivalent to Burrell and Morgan's functionalist and interpretive paradigms, respectively. Guba's critical paradigm is a combination of both Burrell and Morgan's radical structuralist and radical humanist paradigms. The researcher considered the definitions and concepts contained in both sources when she selected the paradigmatic theoretical framework for her dissertation work, as well as the nature of the problem addressed.

The constructivist paradigm, which is the paradigm selected for the case study research, is subjective and emergent, with multiple realities; it recognizes that the process of gathering knowledge is circular and influenced by culture and mostly uses qualitative analysis (Burrell & Morgan, 1979). Guba (1990) argues that the constructivist paradigm's central focus is "not the abstraction (reduction) or the approximation (modeling) of a single reality but the presentation of multiple, holistic, competing and often conflictual realities of multiple stakeholders and research participants (including the inquirer's)" (p. 73). In the study, the researcher focused on a small, selected group of stakeholders—three Guatemalan mothers who reported their children being abducted for intercountry adoption.

### **Theoretical Background**

The constructivist paradigm has its roots in early discussions about scientific knowledge. In his *Psychology and epistemology—Towards a theory of knowledge*, Piaget (1971) asserted

that knowledge is “a process more than a state” (p. 2), and “doubtless supposes an intervention of experience” (p. 28). Regarding the sensorial origin of scientific knowledge, Piaget (1971) declared that sensations and perceptions play a role in knowledge formation but they are linked to action, because “we only know an object by acting on it and transforming it” through either a “physical” action (position, movement, characteristics), which generates “experimental knowledge,” or a “logico-mathematical” action (system of classification) (p. 67), which generates a type of perception-based knowledge. Thus, if scientific knowledge is a process and is obtained only through experience or is drawn from action, it is expected that sensations are more critical for obtaining the first type of knowledge while perceptions are critical for obtaining the second type of knowledge (Piaget, 1971).

Furthermore, Piaget (1971) stressed that this process of identifying relations and obtaining generalizations “should emerge from an uninterrupted series of monographic and carefully outlined studies and not from a system stated beforehand. . . and can only be the result of a collective work over a long period” (p. 99). This “accumulation of partial results” done “without premature ambition” generates “axiomatic” constructions or assumptions (belief systems) about the reality, which is the main concern of the “scientific epistemology” (Piaget, 1971, pp. 98–99). As indicated later, this discussion on the relationship between science and philosophy is at the heart of constructivism and the constructivist inquiry, which are the theory and the method (a step-by-step process) selected for the current research.

Berger and Luckmann (1967) laid out the foundations of constructivist research when they argued that to know reality (what is real?) and pursue knowledge (how is one to know?) are matters of universal concern not just of the field of philosophy, given that “reality is socially constructed” (p. 1). Berger and Luckmann (1967) claim that “everyday life presents itself as a

reality interpreted by men [and other humans] and subjectively meaningful to them as a coherent world”; that the foundations of knowledge *are* in everyday life and the world consists of multiple realities (pp. 19–21); and that the reality of everyday life is organized through the “here” of one’s body and the “now” of the present moment, which manifests itself as an “intersubjective world” and a world shared through social interaction and “commonsense knowledge” (pp.22–28).

Finally, Berger and Luckmann (1967) assert that “objectivation is signification, that is, the human production of signs” (p. 35); thus, language becomes critical in both constructing a sign system of society (composed of language, writing, numbers), and for understanding the reality of everyday life.

Berger and Luckmann (1967) argue that “language is capable not only of constructing symbols that are highly abstracted from everyday experience, but also of ‘bringing back’ these symbols and appresenting them as objectively real elements in everyday life” (p. 40). Berger and Luckmann (1967) consider this process of meaning-making and the production and distribution of social stock of knowledge as what makes society both a “subjective reality” (the creation and internalization of knowledge) and an “objective reality” (the co-creation and institutionalization of knowledge in society) (p. 133).

For Berger and Luckmann (1967), language becomes “the principal vehicle” of this process of translating subjective reality into objective reality and vice versa; it is used in transforming those realities into self identity and “collective identity” (pp. 133, 174). Language plays an important role in transforming knowledge into a social product as well as a factor for social change (Berger & Luckmann, 1967, pp. 87, 179). Given that all “socially constructed universes” are historical products of human activity, “the change is brought about by the concrete actions of human beings” (Berger & Luckmann, 1967, p. 116). In sum, language is

essential to the making and understanding of human actions and their everyday life, as well as to the accumulation of human experiences and knowledge production.

Vygotsky (1978) gave more relevance to the *process* of what is studied instead of its *performance*, which conventional research emphasized in experimental work. While *practical intelligence* (the ability to do practical tasks) and the *sign system* (composed of language, writing, and numbers) operate independently among children, they become later in life a “dialectical unity,” which refers to a unity of perception, speech, and action, where language, in conjunction with action, assumes a mediating role in creating and recreating the visual field (Vygotsky, 1978). The development of perception and attention, mastery of memory and thinking, and the internalization of higher psychological functions among children that Vygotsky (1978) studied became critical to child development as well as to scientific research among human subjects. Vygotsky (1978) viewed learning as a developmental process, not as an external phenomenon, and considered spoken and written language such as gestures and visual signs as well as drawing in play as intermediaries between the activity itself and meaning-making.

In sum, Piaget, Berger, and Luckmann provided the foundations for understanding the nature of knowledge and the role of language in the meaning-making process, while Vygotsky stressed the importance of inductive, dialectical, and historical-cultural approaches in social science research (Steiner & Souberman, in “Afterword” of Vygotsky, 1978), all of which are keystones of the contemporary constructivist research.

### **Constructivism and the Constructivist Paradigm**

By selecting the constructivist paradigm, the researcher also chose to use constructivism as her theoretical foundation. The basic beliefs of constructivism are as follows: First, ontologically, it is based on the recognition of many interpretations in which *relativism* becomes



“the key to openness and the continuing search for ever more informed and sophisticated constructions. Realities are multiples, and they exist in people’s minds.” Second, epistemologically, it assumes subjectivity as the “means of unlocking the constructions held by the individuals. If realities exist only in respondents’ minds, subjective interaction seems to be the only way to access them.” Third, methodologically, constructivism implies that it aims to bring consensus among the variety of participants’ constructions through the hermeneutic dialectic process, “to produce as informed as sophisticated a construction (or more likely, constructions) as possible” (Guba, 1990, p. 26). Constructivism “intends neither to predict and control the ‘real’ world nor to transform it but to reconstruct the ‘world’ at the only point at which it exists: in the minds of the constructors. It is the mind that is to be transformed, not the ‘real’ world” (Guba, 1990, p. 27).

Rodwell (1998) defines constructivism as a “philosophical framework and an approach to research and clinical practice that assumes that reality is constructed, based on intersubjectively achieved meaning that cannot be generalized”(p. 254). Constructivism also includes the development of “networks of relationships that produce multiple and simultaneous shaping to the construction of reality” (Rodwell, 1998, p. 254). Constructivism informs the researcher’s methodological approach to the inquiry. Constructivist researchers recognize that there are multiple realities as well as multiple perspectives, including the perspective of social constructivism, on any subject of study (Burrell & Morgan, 1979; Lincoln & Guba, 1985; Rodwell, 1998).

Rodwell (1998) claims that one challenge in conducting research using constructivism is managing multiple perspectives in a process aiming at consensus-based decision making, which requires thinking paradoxically in the context of the hermeneutic circle and dialectic

conversations. Rodwell (1998) points to another challenge, which is redistributing fairly the power and control given that the inquiry process raises consciousness among all participants, who know and own their data, forcing the researcher to assume the role of “orchestrator of a negotiation process that aims to culminate in consensus on better informed and more sophisticated constructions about the meanings of situations” (p. 218). Rodwell (1998) argues that the hermeneutic dialectic process promotes participants’ collaboration and mutual education while empowering the participants, which implies redistribution of power as a matter of social justice; this has important policy implications for the participants as well as the researcher. In other words, research participants become part of the research team.

The quest for negotiated outcomes among the stakeholders and the researcher is a process that raises important ethical considerations, including fully informed consent and research accountability, which is complicated by the relativity of the emergent research (Rodwell, 1998). Guba and Lincoln (1989) claim that “deception is not only unwarranted, but it is in direct conflict with its own aims. . . informed consent cannot be given when participants are misinformed and not informed regarding the purposes of the evaluator or researcher” (pp. 122–123). The potential costs and benefits with constructivism occur in terms of maintaining rigor in the hermeneutic dialectic process and moving towards generalizability through the dialect process and shared constructions.

Thus, “the risks involved in entering into alternative research must be substantially balanced by the potential that a constructivist inquiry can achieve” (Rodwell, 1998, p. 223). To reduce the risk of deception and ill-informed consent, Guba and Lincoln (1989) suggest that a researcher must honor and respect the rights and autonomy of the research participants, as well as observe regulations regarding the protection of human subjects in social science research.

These considerations, which constitute the values of the social work profession, provide the basis for the significance of the current study, as explained below.

### **Significance of the Study**

This study aimed to give voice to Guatemalan women who reported their children abducted for intercountry adoption. While some intercountry adoption scholars have raised the issue of the high vulnerability of these women (Rotabi & Gibbons, 2012), research on birth mothers' experience of relinquishment of their biological children to adoption is limited, especially in intercountry adoption (Davis, 1994; Rotabi & Gibbons, 2012; Weinreb & Konstam, 1995). Research on child abduction is essentially absent in the literature (Rotabi & Gibbons, 2012). Studies among birth mothers in the United States reported shame, guilt, regret, and doubt in ethical adoptions as well as in adoptions lacking due diligence and informed consent (Ayers-Lopez, Henney, McRoy, Hanna, & Grotevant, 2008; Bos, 2007; Day, 1994; DeSimone, 1996; Fessler, 2006). Studies of international birth mothers reported force, fraud, and coercion in the context of extreme poverty in low-resource nations. Ambiguous loss or a loss that remains unclear and is relevant to kidnapping and adoption (Boss, 2007) occurs when stigma, shame, secrecy, and isolation are present and can lead to trauma, impaired functioning, unresolved grief, and confusion in relationships, and can prevent closure (Abrams, 2001; Boss, 2010). Although there is no known academic research directly exploring the birth mothers' experience in Guatemala, all of these feelings would be expected to be magnified when instead of voluntarily relinquishing their child, biological parents undergo child abduction.

As discussed in detail in Chapter 2, the HCIA does not provide a definition of child abduction per se, but it does establish clear guidance to prevent the abduction, sale, and trafficking of children related to intercountry adoption (HCCH, 1993a, 1993b, 2008a). The

research conducted for this dissertation documented the lived experience of Guatemalan mothers reporting child abduction. It explored the meaning of child abduction itself from their perspective as stakeholders involved in the implementation of HCIA and other relevant regulations in that nation.

A working definition emerged from the prior ethnography conducted as part of the research design and the extensive review of the literature on child abduction and adoption presented in Chapter 2. Prior ethnography can be used as a “springboard” for the inquiry and may include participant observation, cultural accommodation, and informational orientation (Lincoln & Guba, 1985). In enacting this constructivist inquiry, this working definition was discussed with the participants during the member-checking process, interpreting it culturally, and from the perspective of the three mothers interviewed. A discussion of both is contained at the end of Chapter 2. Child abduction as defined here includes any form of physical, psychological, legal, judicial, administrative, political, cultural, or socioeconomic pressure, coercion, inducement, or solicitation to birth families leading to the forced separation or effective relinquishment of their children. Key characteristics are force, fraud, or coercion, and this is consistent with international human trafficking definitions (Bromfield & Rotabi, 2012).

Although this definition was used to begin the field research work, it was used with a caveat. In constructivist inquiry, confirmability of definitions or the demonstration that the results are linked to the data collected is necessary for research rigor (Rodwell, 1998). The inquiry enabled the mothers interviewed to reflect on their personal and family experience, as well as their experience of interacting with public and private agencies, providing social or legal services to them or advocating on their behalf and others based on the requirements of the HCIA and relevant national regulations. Finally, mothers had the opportunity to critique those policies

and formulate specific recommendations on how these policies are implemented in Guatemala. The research process enabled the participants to systematically share their experience and perspectives on dimensions of their reality, which are lacking in the literature.

The case study is about the three identified mothers, the only stakeholders who were interviewed through a three-wave interview approach for data collection and data analysis. The first wave focused on the mothers' stories of their children's abduction. Based on analysis of this narrative material, the second wave focused on their experience with public and nonprofit agencies delivering services and advocating for children, with whom they have been involved while searching for their children and pursuing justice and reparation in their cases. The third wave focused on the mothers' understanding, experience with, and recommendations for the structure and content of the HCIA and other relevant national regulations.

Data saturation (achieving negotiated outcomes) was achieved through the interviewing about the personal, practice and policy experience of the mothers; that is, after all three waves had been exhausted for all three participants. The simultaneous data collection and data analysis, a key feature of the constructivist inquiry, were conducted in Spanish. In conducting the three waves focused on the personal, the practice, and policy experience of the three mothers, their differing roles were explored, for example, as victims and survivors of violence against women as well as advocates of their rights as women, mothers, and citizens. In the final analysis, the grand construction or constructions were drawn from the narratives and later written as a case report, which also included a set of tentative lessons learned. All data interpretation was conducted in Spanish with assistance from the two cultural consultants, the peer reviewer, and other experts advising the process.

The case report was first written in Spanish so that research participants could have an

opportunity to review such constructions through a “grand” member checking, as Rodwell (1998) suggested. A first wave of member checking focused on their individual experience and the other on the collective experience. Once this process was completed, the case report in Spanish was translated into English (forward translation), and back translations (from English to Spanish) were done as necessary until the meaning of what was said and constructed during the three waves of interviews (the hermeneutic dialectic process) met the requirements of rigor, particularly authenticity (or the confidence in the intent of the inquiry). In a second wave of member checking, participants were asked to review the case report (in Spanish) prior to its being finalized. A description of the dimensions of analysis and the methodology is in Chapter 3.

### **Relevance to Social Work**

#### **Value of Social Justice**

Different perspectives on core social work values are reflected in debates over the benefits and ethics of intercountry adoption (Bartholet & Smolin, 2012; Hollingsworth, 2003). Hollingsworth (2003) provides an important and seminal consideration of social justice and birth families. She points out the fact that most definitions of social justice include values of fairness, decency, and compassion, and presents three definitions: egalitarian (equal distribution of resources among all people), utilitarian (resource distribution based on greater good for society), and libertarian (individual freedom in deciding resource allocation) (Hollingsworth, 2003).

Using Rawl’s egalitarian concept of social justice, Hollingsworth (2003) asserts that intercountry adoption may be viewed “as contrary to the principles of social justice by ignoring the social context within which it occurs [; these] practices may involve abduction, deceit, and trafficking of children” (p. 209). This social justice perspective was useful to the case study, as the evolving social context of intercountry adoption in Guatemala and in other countries around

the world has included abuses to the poor and disenfranchised birth parents, gender oppression and discrimination, and a range of violations of children's rights (Hollingsworth, 2003).

### **Value of Worth and Dignity of People and Human Rights**

Healy (2008) reminds us that “the worth and dignity of all people is universally recognized in social work's codes of ethics” (p. 738). In fact, the International Association of Schools of Social Work (IASSW) and the International Federation of Social Workers (IFSW) declare that “social work is based on respect for the inherent worth and dignity of all people, and the rights that follow from this” (2004, Paragraph 4.1). From a human rights perspective, social workers are human rights defenders and leaders. Even before the 1948 United Nations' Universal Declaration of Human Rights (UDHR), founders and leaders in the social work field promoted human rights movements around the world (Healy, 2008). Recent publications on human rights and social work include discussions on child rights and intercountry adoption (e.g., Ife, 2008; Reichert, 2003; Roby, 2007; Roby & Ife, 2009).

The researcher addressed the values of dignity and worth of the individual and social justice by attending the concerns about self-determination and informed consent that have been raised in Guatemala in relation to allegations of child abduction, sale, and trafficking. Child abduction in that nation affects not only the individual mothers but also their entire families and society as a whole (Dubinsky, 2010), as this act of violence against women appears as a systemic and pervasive criminal activity (Fundación Sobrevivientes, 2009). From a human rights perspective, violence against women in general and child abduction in particular violates the social work values discussed here.

## Other Social Work Values

The social work values of service, integrity, and competence in delivering services to children and their families are directly related to child welfare and intercountry adoption practice. The fact that adoption agency social workers in the United States interfaced with a corrupted system in Guatemala has been explored in the literature only briefly (Rotabi et al., 2008). The question of whose interests are served and the risks of exploitation challenge the core values of social work. This case study provides additional dimensions for consideration by professional social workers engaged in intercountry adoption practice, especially as new standards of care are enacted as a part of the HCIA implementation.

The relevance of social work values to the case study is evident in the multiplicity of perspectives and paradoxes embedded in the dynamics of child welfare and intercountry adoption worldwide and in Guatemala. The added dimension of extreme poverty rests as the core of social work's social justice commitment, particularly the rights of vulnerable peoples in the context of socioeconomic and global oppression. The consideration of social work values informed the researcher and assisted in turning the research findings into implications for social work policy, practice, research, and education.

In a nutshell, the current research is the study of a social work problem (i.e., child abduction for intercountry adoption in Guatemala). The study is anchored in the constructivist paradigm and constructivism, which have been extensively introduced along with its informing theories. To develop the study methodology fully presented in Chapter 3, the researcher drew from the most relevant aspects of constructivist inquiry contained in *Naturalistic Inquiry* (Lincoln & Guba, 1985), *Fourth Generation Evaluation* (Guba & Lincoln, 1989), and *Social Work Constructivist Research* (Rodwell, 1998).



The research questions formulated for this constructivist inquiry (see Appendix A) integrated all of these social work values. For example, the research questions reflected an identification of specific concerns regarding the practices of public institutions responding to child abduction allegations, and the assistance nonprofit organizations provide to parents who have experienced child abduction. The social work values discussed here informed data collection and data interpretation; they were also used in data reporting.

To promote social justice, given that research about birth parents and birth mothers is underrepresented in the literature (Rotabi & Gibbons, 2012; Wiley & Baden, 2005), the researcher chose to focus her investigation on the perspectives of mothers who had reported that their children had been abducted for intercountry adoption. The problem statement enunciated in the previous sections (child abduction in Guatemala) is grounded in the history of intercountry adoption in the context of existing child welfare systems and the implementation of the HCIA worldwide and in Guatemala through relevant regulations. To critically review this history and evolution, the researcher considered the highly diverse and sometimes divergent views in the intercountry adoption literature (Bartholet & Smolin, 2012), including the multiple perspectives of public and private service providers and advocates involved in intercountry adoption. Chapter 2 offers a summary and an analysis of the intercountry adoption history and evolution and presents key perspectives emerging from the relevant literature in order to enunciate a set of working hypotheses used in the research and discussed with the research participants, including a working definition of child abduction. The research question is restated at the end of the next chapter.

## **Chapter 2: Preliminary Literature Review Informing the Research Design**

A constructivist study often does not begin with a review of the literature unless a dissertation committee requires it; however, it is not appropriate to ignore the professional literature here because its aggregated knowledge can be used in the development of the joint constructions emerging from the hermeneutic dialectic process (Guba & Lincoln, 1989). The researcher conducted a preliminary literature review prior to the field research in Guatemala to assist in developing the research design, formulate the working hypotheses, and prepare the interview protocol. After completion of the interviews and member checking process, the main topics of the preliminary review were updated with literature regarding the categories (major themes) emerging from the hermeneutic dialectic process. This section presents a review of over 300 published and unpublished articles, books, and reports.

This review is the result of a systematic analysis of the diverse and sometimes divergent views existing in the literature. It included an effort to identify the complex nature of the relevant literature, such as quantitative versus qualitative, empirically based versus ideologically based, social constructions versus individual perceptions. However, because this is a constructivist inquiry and documents from the professional literature “are not ultimate truths, however scientific the process by which they were obtained” (Guba & Lincoln, 1989, p. 211), the nature of what is presented here must be considered tentative. This chapter reviews and discusses (a) the evolution of intercountry adoption and key perspectives about this evolution; (b) the HCIA, its key policy and trends, and how it has been implemented globally and in Guatemala; and (c) the literature on birth mothers and adoption and child abduction in the context of the HCIA implementation. The chapter ends with the research question.

## **Historical Evolution of International Adoption**

This section reviews the historical context in which intercountry adoption has evolved. As indicated in Chapter 1, Altstein and Simon (1991) identified five phases in the history of intercountry adoption coinciding with key world and regional events, such as war and fertility policies, influencing the availability of children for intercountry adoption. Based on the literature review, the researcher has identified three additional phases. Each of these eight phases is described below.

### **Post-World War II**

The literature offers multiple references to the onset of intercountry adoption. During World War II, it is estimated that over a million children were evacuated and placed into “reception safe zones” to protect them from bombings in Europe (Bergquist, 2009). The practice of intercountry adoption, which had previously been infrequent, became a social solution for orphaned and vulnerable children (Baden & Steward, 2000) as a method of “child rescue” from war zones in the immediate postconflict era in various theaters of war (O’Halloran, 2006). In the United States, the end of World War II led to the enactment of the Displaced Persons Act, which guaranteed entry of 3,000 orphaned and vulnerable children from Germany, Austria, and Italy (Bergquist, 2009; McKinney, 2007; O’Keefe, 2007). After the war, U.S. families adopted over 8,000 orphaned, abandoned, and/or neglected children from devastated and economically depressed areas of postconflict nations in Europe, especially Germany, and in Asia, particularly Japan (Hollingsworth, 2003; Selman, 2006, 2009).

### **The End of the Korean and Vietnam Wars**

Intercountry adoption emerged in the context of a global war (Liefesen, 2008); its emergence and later evolution as a global problem or a global solution (Masson, 2001) is

relevant to the current investigation. During the 1950s, the Korean conflict created a new crisis situation and intercountry adoption was again used as a solution (Pilotti, 1993). This geopolitical war left 50,000 Korean children orphaned and vulnerable in July 1953 alone (Hollingsworth, 2003). When the war ended later that year, the country was left with a massive number of orphaned and abandoned children; to address this problem, South Korea established very friendly intercountry adoption policies (Bartholet, 2007).

By the end of the 1980s, nearly 30% of all foreign adoptees came from South Korea (Hollinger, 2004). Since 1953, approximately 180,000 Korean children have been adopted in the United States, Sweden, and Australia; in 2004 alone, an estimated 45,000 intercountry adoptions originated from South Korea (Fronek & Tilse, 2010; Selman, 2006, 2009). The intrinsic nature of intercountry adoption as transracial and transcultural became evident as children from this conflict nation became visible in high-resource nations engaged in intercountry adoptions.

During the 1960s, the major source of intercountry adoption became Vietnam (Pilotti, 1993). Perhaps the most well-known example of intercountry adoption is Operation Babylift—the evacuation in April 1975 of 2,500 to 3,000 children from Vietnam for adoption to the United States, Canada, Australia, and Europe, which Bergquist (2009) characterized as both a heroic humanitarian effort and an act of kidnapping. According to a 1975 report by the U.S. Agency for International Development (USAID) (1975), over 1,400 adoptions of Vietnamese children to the United States were processed from 1970 to 1974, and an additional 1,945 were processed during Operation Babylift alone; the adoption consent of some Vietnamese parents or relatives cannot be found.

Vietnam issued restrictions on intercountry adoptions in 1975, and in 1979 it was completely halted (Alstein & Simon, 1991; Pilotti, 1993). Vietnam has opened and closed

adoptions, due in part to fears of child sales (Freundlich, 2000). During the last moratorium on intercountry adoption the U.S. Department of State (2008) announced that adoption agencies had created financial incentives among centers of institutional care in Vietnam, which in turn had increased the number of abandoned children, creating more irregular adoption practices.

Korean and Vietnamese adoptions also catalyzed the emergence of adoption agencies and the development of professional practices. The widespread irregularities in intercountry adoption, especially in Vietnam, have generated perceptions of child rescuing versus child abduction (Bergquist, 2009; Freundlich, 2000). Serious concerns over prevailing practices in those countries (Bergquist, 2009, 2012; USAID, 1975; U.S. Department of State, 2008) provide a starting point for consideration of child sales and abductions for adoption.

### **Civil Wars and Economic Instability in Latin America**

Some of the literature has focused on the study of the growing civil war and widespread violence in Latin America, including armed conflicts in El Salvador and Guatemala, and endemic poverty and massive natural disasters, such as the January 2010 earthquake in Haiti. All of these aspects have contributed to the historical rise in intercountry adoptions (Bromfield & Rotabi, 2012; Bunkers et al., 2009; Noonan, 2007; Rotabi, 2007; Rotabi et al., 2008; Selman, 2012). Latin American countries became an important source of intercountry adoptions due in part to insufficient legal and social protections for mothers and families, which have in some cases forced them to neglect or abandon their children (Goldschmidt, 1986) and intercountry adoptions are viewed as a “quick solution” (Roby, Rotabi & Bunkers, in press). During this era, countries in the region reported that children were “placed for adoption after having been purchased, indentured, or abducted” (Herrmann & Kasper, 1992, p. 51). As discussed below, in the case of Guatemala, the lack of child protection continues to violate the rights of children by

promoting forced separations through child abandonment and adoption (Instituto Latinoamericano para la Educación y la Comunicación, ILPEC, 2000).

The “dirty war” in Argentina (1976–1984) left 30,000 dead and over 5,000 children were reported missing during a period that anyone perceived as a social opponents was subjected to gross violations of human rights such as kidnapping, torture, and disappearance (Brysk, 1994; Mónico & Rotabi, 2012; Noonan, 2007; Rotabi, 2012b). Some of these “missing” children were killed while others were forcibly removed from their families and placed into families of military officials (Brysk, 1994; Mónico & Rotabi, 2012; Noonan, 2007). Although these children were not adopted internationally, they were “illegally adopted [in-country] by the oppressors” (Brysk, 1994, p. 84) or others connected to the repressive regime (Rotabi, 2012b).

The two-decade civil war in El Salvador (1970–1990) left an estimated 75,000 Salvadorans killed, a half million internally displaced, and nearly a million refugees (Mónico & Rotabi, 2012). The conflict also left an unknown number of forced separations and disappearances of children for placement in institutions, domestic adoptions, and intercountry adoptions in the United States, Italy, France, and Honduras (Mónico & Rotabi, 2012). Pro-Búsqueda, the nonprofit assisting hundreds of birth families to locate their forcibly disappeared children, uncovered illegal intercountry adoption networks that were charging up to \$10,000 per adoption and falsifying documentation for the abduction and trafficking of children for intercountry adoption during the conflict (Mónico & Rotabi, 2012).

The 36-year civil war (1960–1996) in Guatemala left between 100,000 and 200,000 people killed or “disappeared,” most of them of Mayan origin (83%) who were made victims by the military and paramilitary forces (93%), and 1.5 million displaced people (Recuperación de la Memoria Histórica [Recovery of the Historical Memory, REMHI], 1999; Sanford, 2003). The

UN-sponsored Comisión para el Esclarecimiento Histórico [Commission for the Historic Clarification, CEH] found 410 massacres and thousands of direct or indirect deaths; forced disappearances; kidnappings; incidents of torture; attacks on individuals, groups and institutions; and irregular detention; at least 90% of the documented cases of torture involved rapes of women (REMHI, 1999; Sanford, 2008). The REMHI report (1999) also confirmed that during the military operations, the military engaged in “forced separation of families, in which children were subjected to re-education in special homes; there were some cases of children who were separated from their families or communities, abducted, and fraudulently adopted by the perpetrators of violence against their families” (p. 38). The International Commission against Impunity in Guatemala (CICIG, 2010) confirmed those findings, which found gross violations of the rights of missing children, of those adopted illegally, and of those illegally separated from their families.

In recent years, many sites of skeletal remains of the "disappeared" and "missing" from the civil war in Guatemala have been found by anthropological and forensic investigations conducted to clarify the human rights violations in Guatemala (Paiz Diez, 2007). The Inter-American Convention on Forced Disappearance of Persons states that this act is a violation of the right to life and a violation of personal freedom that is ordinarily committed by state authorities and considered a crime against humanity by the Organization American States (Paiz Diez, 2007). The abduction of children in Guatemala that these investigations report occurred during the war; since then, an undetermined number of child abductions have resulted in international adoptions. Post-conflict adoptions boomed with over 200 agencies operating in the nation by 2005 (Rotabi, 2009). In fact, the large number of infants departing daily from Guatemala became known as “baby flights” among adoption agencies and families (Rotabi &

Bunkers, 2008). Child abductions continued even after the signing of the Peace Accords and even increased, as concluded in Figure 1 (in Chapter 1) and in the discussion of this phenomenon in this chapter.

Intercountry adoptions from Latin America to the United States increased three-fold from 1973 to 1975; that region accounted for 17% of all intercountry adoptions to the United States in 1975 and 23% in 1987 (Alstein & Simon, 1991). From 1976 to 1981, Ecuador and Colombia were among the top major sending countries of orphaned and vulnerable children to the United States (Selman, 2006). Adoptions from Latin America in 1973 represented only 8% of international adoptions to the United States, but they increased to 32% in 1993 (Hollingsworth, 2003). Although intercountry adoptions from Latin America have declined significantly since the early 1990s—they represented only 10% of U.S. intercountry adoptions in 1997—the contribution from that region has been substantial over time (Hollingsworth, 2003). Argentina, El Salvador, and Guatemala provide useful examples of country experiences taking place in the civil context of the Latin American region. Furthermore, they are directly relevant to the current investigation, given the history of child abduction in similar cultural and geopolitical contexts.

### **End of the Cold War**

The end of the Cold War was another important historical event in the history of intercountry adoption (Altstein & Simon, 1991). After the 1989 revolution in Romania that brought down the dictatorship of President Nicolae Ceausescu, the deplorable conditions in that country's child institutional homes and its national child welfare crisis captured international attention (Bartholet, 2010; Dickens & Groza, 2004). Young children in Romanian orphanages were confined to steel cribs almost around the clock for months or years without proper attention and care. Children suffered from deprivation, neglect, and abuse, resulting in severe physical



illnesses, attachment disorders, and other serious health, behavioral, and development problems (Welsh, Viana, Petrill, & Mathias, 2007). Between January 1990 and July 1991, over 10,000 Romanian children were adopted internationally with questionable legal procedures and without a full assessment of options for domestic permanency (Dickens & Groza, 2004). By late 2001, Romania was providing one third of all intercountry adoptions worldwide, but those adoptions from Romania came to a halt for a variety of reasons, including European Union pressure for major child welfare reforms (Bartholet, 2010; Rankin, 2006). Improvements in its institutional care system and adoption practices, as well as new legislation to ensure better monitoring of intercountry adoptions, were prerequisites for admission to the European Union (Rankin, 2006).

Like Romania, Russia has also provided a substantial number of children for intercountry adoptions in the past two decades. Intercountry adoptions from Russia rose from 324 in 1992 to 4,491 in 1998 (Selman, 2002). By the end of the 2000s, Russia had become one of the three countries to whom the United States issued the greatest number of visas, with 5,000 Russian orphans and vulnerable children being adopted yearly (Selman, 2006, 2009; Smolin, 2006). In fact, by the end of the 1990s, more than 50 % of all international adoptions were from Russia and China (Hollinger, 1997). In 2003 alone, Russia provided the largest number of annual intercountry adoptions (Selman, 2006) after China. From 2007 to 2011, Russia was third largest “sending” country of orphans to the United States (U.S. Department of State, 2011a). The experiences of intercountry adoption from Russia, Romania, and other Eastern European countries since the end of the Cold War is useful to this investigation in that external “market forces” seem to have triggered a demand of more “desirable children” for adoption (in terms of age, health, and racial background) that is driven by “altruistic motives” manifested in the desire to “rescue” children facing deplorable child care institution conditions (Freundlich, 2000, pp.

40–41). As discussed later, this has been considered the case with intercountry adoptions from Guatemala.

### **China's One-Child Family Policy**

The evolution of intercountry adoptions from China is another relevant case for the current study. In 1980, China implemented a stringent birth-planning policy to halt its spiraling population growth, the “one-child family policy,” which allowed couples to have a single child; in deference to China's traditional preference for boys, parents who gave birth to a girl were allowed to have a second child in hopes that this child would be a boy—although this situation varied across provinces and over time (Johnson et al., 1998). As the one-child family policy was implemented in China, the number of abandoned children in institutions—mostly girls—increased and intercountry adoptions from that nation rose (Johnson et al., 1998).

The growth in intercountry adoptions has been substantial; for example, the United States issued visas to 61 orphaned and vulnerable children from China in 1991 and 4,206 in 1998 (Selman, 2002). Children adopted from China have primarily been infant or toddler girls and in some cases boys with birth defects (Andrew, 2007). Although the one-child family policy has not been enforced consistently across the country and the gender ratio of abandoned children varied by region, abandonment has been more prevalent during times of economic hardship and has sometimes coincided with natural disasters (Johnson, 2004).

Without attempting a cross-country comparison, the case of China is relevant to the present research in specific ways. Emerging from this literature review is the finding that the availability of children for intercountry adoption from China is linked to the implementation of the one-child policy, and to specific culturally based preferences (such as the sex of the child); however, the socioeconomic conditions of parents or expectant parents during emergencies seem

to have played a key role in deciding child abandonment. Although there is no similar reproductive policy and gender preference in the case of Guatemala, child relinquishment due to family poverty has been reported as playing a role in parental decision making (Gibbons et al., 2009). Intercountry adoptions from China to the United States increased substantially during the 1990s when the country became a “big business” (Andrew, 2007, p. 127), in spite of the growing irregular adoption practices (Johnson, 2004). This in-depth review of the China case has provided significant insights for the research design regarding how culture and parental preferences (of birth and prospective adoptive parents) influence intercountry adoption, and what role national regulations and international standards could play in preventing child abduction and other illegal intercountry adoption practices.

As indicated earlier, the phases presented above are Altstein and Simon’s (1991) characterization of the evolution of intercountry adoption. These historical, event-based constructions have been cited extensively in the literature (e.g., Bimmel et al., 2003; Cartens & Julia, 2000; Dowling & Brown, 2009; Kahan, 2006; McKinney, 2007; Rotabi & Bunkers, 2011). The following three phases are the researcher’s own constructions based on her review of the literature, in consultation with Dissertation Committee member Karen Rotabi, Ph.D. Included in this effort is the presentation of analytical constructions key authors have made.

### **Rapid Globalization of Intercountry Adoption and the Guatemala Case**

The phenomenon of globalization, which for some started with the financial expansion in the 21st century, has brought about large-scale growth in the movement of goods, services, and people across the planet and the development of a wide range of socioeconomic relations and internet-based interactions across and beyond national borders (Scholte, 2002). In fact, “some theorists have even presented globalization as the focal point for an alternative paradigm of

social enquiry. . . [as it can be a valuable] analytical toolkit for understanding contemporary social relations” (Scholte, 2002, p. 5). Intercountry adoption in the new globalized society forged closer links among cultures, allowing for the emergence of transnational adoption agencies. It has also brought economic growth (Dowling & Brown, 2009), as well as new opportunities for global child trafficking (Smolin, 2005a).

Kane (1993) found significant increases in the number of countries involved in intercountry adoption and the total number of adoptions; for instance, 63 sending countries were identified in 1989, compared with 22 sending countries in 1980, and 259,200 children were moved across international borders for adoption in 1989, compared with 160,000 in 1980, an increase of 62%. Selman (2002) has claimed that “the global estimate of at least 32,000 adoptions in 1998 is much higher than the numbers usually cited and suggests a rise of fifty percent over the previous decade” (p. 205). The globalization of intercountry adoption has involved a massive yet “quiet” international migration of children from sending countries to receiving countries (Selman, 2002, 2006, 2009); an expansion of transracial adoption and transcultural placements (Bartholet, 2011a; Bimmel et al., 2003; Carstens & Julia, 2000); and the creation of a global market of children that has, in some cases, included child trafficking and child laundering for the purposes of intercountry adoption (Smolin, 2005a, 2006, 2010).

*Child laundering* “occurs when children are taken illegally from birth families through child buying or kidnapping, and then ‘laundered’ through the adoption system as orphaned and vulnerable children and then ‘adoptees’” (Smolin, 2006, p. 112). Child laundering implies legitimizing and incentivizing practices of buying, trafficking, kidnapping, and stealing children and considering children as commodities (Smolin, 2005a; 2006). In some countries, the global growth of the intercountry adoption market was possible because of the surge of illegal networks

dedicated to the abduction and trafficking of children that turned intercountry adoptions into commodification of children (Andrew, 2007; Bunkers & Groza, 2012; Bunkers et al., 2009; Collison, 2007; Smolin, 2005a, 2005b, 2010). This surge has also included the coercion and deception of birth mothers and child abduction, which may involve force (Bos, 2007; Roby, 2005; Rotabi & Bunkers, 2011; Smolin 2005b).

Linked to the notion of child laundering is the emerging field of global surrogacy, which is another form of historical oppression and human rights violation such as the endemic violence against women and human trafficking. Rotabi and Bromfield (2012) point to the increased attention in the medical and scientific fields on in vitro fertilization (IVF) which has helped facilitate a transition in the global context of family-building. One of the major reasons for the increase in this international surrogacy is the illegality of commercial surrogacy in the intended parents' country, lower costs in developing nations, limited legal interference, same-sex couples pursuing surrogacy, and limited relationship with the surrogate mother. Through this cost-reductive approach, women are recruited from impoverished rural villages, using similar methods to those of human traffickers (Rotabi & Bromfield, 2012).

To contextualize these global trends in the natural setting in which the case study was conducted (Guatemala), it is important to understand the rise of intercountry adoptions from Guatemala. From 1948 to 1987, Guatemala was never featured in the top five countries for intercountry adoptions; in fact, at the end of that period, all of Latin America was contributing only 23% (2,296) of intercountry adoptions to the United States (Alstein & Simon, 1991). However, intercountry adoptions from Guatemala began to grow in 1999 when the United States issued 1,002 visas to Guatemalan orphaned and vulnerable children, and in subsequent years adoptions grew exponentially (U.S. Department of State, 2011a).

The literature confirms that insufficient safeguards, a weak protective system, and lack of transparency in the adoption process have characterized adoptions and intercountry adoptions in Guatemala (e.g., Brown, 2009; Bunkers et al., 2009; Casa Alianza et al., 2007; Gibbons et al., 2009; Rotabi & Morris, 2007; Rotabi, Morris, & Weil, 2008). In studying the child trafficking conditions in Guatemala and three other countries (Cambodia, Romania, and India), Blaire (2005) concluded that the private capital system sustaining intercountry adoption is endemic of fraud, profit, abduction, displacement, trafficking, and kidnapping. Further analysis of the country context from data collection during the researcher's prolonged engagement in Guatemala is contained in Chapter 4. This includes findings from national studies conducted in Guatemala by national scholars, such as graduates from the University of San Carlos of Guatemala and other national and international institutions in Guatemala.

### **Era of Major Intercountry Adoption Reforms**

The 21st century marked the beginning of an era of reforms in the child welfare systems of both sending and receiving countries; these reforms have strengthened global standards and measures aimed at improving the welfare of children around the world (Bailey, 2009a; Bartholet, 2010; Hollinger, 2004; O'Keeffe, 2007; Rotabi, 2008; Rotabi & Bunkers, 2011; Selman, 2009; Smolin, 2010). Global declarations and conventions discussed here have had profound implications for intercountry adoption, and with the introduction of relevant reforms, shaped the context for this investigation. The end of the Korean War set the stage for global policies aimed at the protection and welfare of children, including the 1959 Declaration of the Rights of the Child, which for the first time defined the *best interest of the child*, a concept later used in the 1989 Convention on the Rights of the Child (O'Keefe, 2007).

The United Nations also proclaimed the 1947 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the 1948 Universal Declaration of Human Rights (UDR), and the 1989 Convention on the Rights of the Child (CRC) (Reichert, 2003). Both the UDR and the CRC defined a set of rights for all people, particularly children (Reichert, 2003), and influenced the establishment of international agreements on intercountry adoption. By enacting the HCIA, the Hague Conference on Private International Law (HCCH) responded more firmly to the unprecedented increase in intercountry adoptions since World War II and during the Vietnam War, as well as to the growing practice of child abduction, sale, and trafficking of children for the purposes of intercountry adoption and the need to bridge differences between legal systems across borders (HCCH, 1993b, 2008b). The Guidelines for the Alternative Care of Children (United Nations, 2010), which were written by the UN Human Rights Council to enhance the implementation of the CRC, are also relevant to the HCIA; for example, it provides guidelines to protect children in emergency situations by encouraging countries not to move them to a country for another alternative care “except temporarily for compelling health, medical or safety reasons” (United Nations, 2010, p. 22).

Other international instruments relevant to the HCIA include three United Nations conventions or protocols: (a) the Convention on the Elimination of All Forms of Discrimination against Women (United Nations, 1979), as violence against women is often at the center of the sale, kidnapping, and trafficking of children; (b) the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (also known as the Trafficking Protocol), which is part of the Convention against Transnational Organized Crime (United Nations, 2000a) and contain notions about the use of force, fraud, and coercion that are relevant to illegal adoption, as Bromfield and Rotabi (2012) have asserted; (c) and the Convention on

Rights of Persons with Disabilities (United Nations, 2006), which focuses on the rights of children with disabilities and the obligations of states and nations to ensure that these rights are realized; and (d) and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (United Nations, 2000d).

All of the above-mentioned declarations, conventions, and guidelines provide a framework for defining issues of concern related to child welfare, and outline agreements and measures to address relevant issues. Although the HCIA is not officially connected with any of these international agreements and guidelines, in practice the HCIA is applied either concurrently or in complement to these other guidelines through national legislation.

### **Loopholes in Intercountry Adoption Standards and the Africa Case**

Intercountry adoption scholars across a broad spectrum of positions regarding adoption moratoriums agree that while such drastic policy measures are indeed an option, they could potentially harm truly adoptable children (Bartholet, 2010; Bergquist, 2009; Smolin, 2010). Bergquist (2009) questions the ability of nations to address intercountry adoption violations through the HCIA since it has many nonenforceable provisions. In fact, the failure to take drastic measures could result in greater harm if the continuation of child abduction, sale, and exploitation is permitted or enabled (Selman, 2009; Smolin, 2010). As a result, both sending and receiving countries are finding loopholes in their own national regulations and even challenging international child protection standards in order to continue the flow of intercountry adoptions (Smolin, 2005a, 2006; United Nations, 2009).

A major loophole in receiving countries, particularly the United States, has been the continuation of intercountry adoptions from countries that have not signed the HCIA (Brown, 2009; Rotabi & Gibbons, 2012). Under the Intercountry Adoption Act of 2000–P.L. 106-279



(2000), which is the enactment of the HCIA in the United States, adoption agencies are not required to be HCIA approved and accredited if engaged in intercountry adoption from non-Hague countries. Brown (2009) argues that that “this loophole could be used by less reputable individuals or agencies to engage in the purchasing of children for adoption” (p. 5). However, a major corrective action occurred as the final draft of this dissertation was being completed. The Universal Accreditation Act (U.S. Department of State, 2013) was passed in January 2013; this act closes the loophole as unaccredited adoption agencies must cease involvement in the practice in 2014—these agencies have approximately a year to close operations. Overwhelmingly, advocates of adoption reform have welcomed this change of practice (Center for Adoption Policy, 2013).

Another loophole to disguise illegal adoptions is *child rescue* during situations of emergency; for example, in situations of natural disasters when humanitarian evacuations are made or during crises of child institutionalization when medical parolees are granted (Bergquist, 2009; Carlson, 2010; Rotabi, 2012). This type of “orphan rescue” has occurred in countries undergoing substantial stress from famine, endemic conflicts, pandemics, or natural disasters, such as Ethiopia and Haiti (Bergquist, 2009; Bromfield & Rotabi, 2012; Bunkers, Rotabi & Mezmur, 2012). As a result, this practice “raises important legal and ethical questions, as it creates a loophole for by-passing the Convention and potentially places children at risk of significant harm” (HCCH, 2008b, p. 121). To minimize the risk of harm, the HCCH (2008b) recommends determining the adoptability of a child while the child remains abroad in order to respect the principle of subsidiarity, assess better the suitability and preparation of prospective adoptive parents, and professionalize the process of matching adoptable children with most-appropriate prospective adoptive parents.

Africa—with its complex political conditions and chronic humanitarian crises—is emerging as a geographical area for circumscribing the HCIA standard as the *orphan problem* becomes more severe in the region (Bailey, 2009b). The United Nations Children’s Fund (UNICEF, 2008a) estimated that in 2007 there were approximately 137 million children under age 18 who had lost one or both parents; this number was 7 million more than in 2001—an increase of 5% in just 6 years. The increase was mostly in eastern and southern Africa (UNICEF, 2008a). The number of children orphaned by AIDS increased rapidly due to the spread of the epidemic; however, the number of non-AIDS orphans has increased in countries with recurrent crises and sustained economic recession (Abebe, 2009).

Africa’s growing number of orphaned and vulnerable children has been paired with a surge in intercountry adoptions from that region. The child rescue perspective that seems behind this surge was exemplified in a 2007 attempt of the French organization Zoe’s Arc to airlift 103 children who they claimed were orphans for international adoption from the Darfur region of Sudan (Bergquist, 2009). This evacuation attempt was aborted and resulted in legal intervention, including charges of attempted kidnapping of orphaned and vulnerable children from that war-torn region (Bergquist, 2009). While those originally incarcerated were freed and eventually pardoned, the child rescue discourse illustrates the emotionally charged nature of rescue operations in poor countries undergoing social distress.

African countries such as Ethiopia have emerged as top senders of children for intercountry adoption (Bunkers et al., 2012). Statistics on the number of U.S. adoption visas issued (U.S. Department of State, 2011a) indicate that the total number of adoptions from Ethiopia from 1999 to 2011 was 11,524, and show that Ethiopia climbed from being the fifth-highest sending country in 2006 to the second-highest during 2009–2011. This high number of

adoptions occurred even though Ethiopia is not an HCIA country as the absence of international standards has actually promoted intercountry adoptions from that nation (Bunkers et al., 2012).

Rotabi (2011) raises concerns about gift giving, child buying, and village visits, which undermine ethical adoption practices and ultimately place children at risk for human trafficking. However, there are potential benefits of intercountry adoption, and Roby and Shaw (2006) encourage a continued dialogue about its merits and an assessment of various perspectives on how to address the orphan problem, particularly in the case of Africa. This indicates a need for a universal and global consensus to execute a universal system of regulation in both Hague and non-Hague countries. Blaire (2005) suggests legislation and sanctions that are more clearly defined in fostering consent, oversight, and accountability, enforcing financial assistance from receiving nations to sending (not based on individual placement), and anchoring adoption practices on the best interest of the child, while minimizing bureaucratic delay and expense.

### **Perspectives on the Evolution and Trends of Intercountry Adoption**

Again, approximately one million children have been adopted through intercountry adoption since World War II (Selman, 2012). Approximately 45,000 yearly intercountry adoptions were taking place to 20 countries historically adopting children from overseas, with an increase of 40% between 1998 and 2004 alone (Bartholet, 2010; Selman, 2006). This steady rise in intercountry adoptions during the 21st century reached its peak in 2004 (Selman, 2006). Since then, intercountry adoption has decreased more than 60% due to a number of factors, including HCIA policies (Selman, 2012). In 2002, the U.S. State Department reported a 62% decline in foreign adoptions, from 8,668 in fiscal 2012 from 22,991 in fiscal 2004 (as in Swarns, 2013). The same report attributes the decline to internal policy shifts in several countries, such as China and Russia, which are promoting more domestic adoption. Transparency seems to be emphasized

in today's intercountry adoption process more so than previous years of illegal adoptions. U. S. Senator Mary Landrieu, co-chairwoman of the Congressional Coalition on Adoption, believes this decline in intercountry adoptions is "tragic" and believes the U.S. State Department "failed to put the resources or personnel in place to help countries" as the HCIA policies placed stricter demands on regulations (as cited in Swarns, 2013). In addition to this viewpoint, the literature offers a wide range of perspectives emerging within and among the various disciplines actively involved in intercountry adoption scholarly work (Rotabi & Gibbons, 2009). Based on a thorough analysis of these perspectives, the researcher has clustered them in three broad categories: (a) ethical and human rights perspectives; (b) ecological, feminist, and cultural perspectives; and (c) considerations of social policy and child welfare. Below is a selection of those grounded in the existing literature (constructions developed based on systematic reviews) or resulting from empirical research (interviews, surveys, and other research techniques).

### **Ethical and Human Rights Perspectives**

Perspectives based on ethical and human rights considerations are numerous. Some of these perspectives clearly emerge from social research or legal analysis, whereas others seem more ideological, in that they are conclusions not sufficiently backed up by scientific research. The perspectives of key intercountry adoption authors are presented below along with the critical analyses of other authors or of the researcher.

**Definition of values-based positions.** Masson (2001) identifies three value-based positions in the field of intercountry adoption: those who promote intercountry adoption in spite of the illegal practices ("promoters"), those who propose pragmatic solutions to existing intercountry adoption problems ("pragmatists"), and those who emphasize the harm intercountry adoption causes and argue for its abolition ("abolitionists"). Promoters argue that every child has

the right to a family and view adoption as the panacea of child welfare; they advocate for expedited adoptions to promote the best interests of the child and reject delaying or suspending intercountry adoptions. Pragmatists pay attention to the supply and demand of children but assume that intercountry adoption can be regulated; they do acknowledge that new practices are needed, including reducing fraudulent and irregular adoptions, improving local child welfare systems, and expanding domestic adoptions. Abolitionists tend to focus on the negative effects of intercountry adoption. For instance, some are concerned about child abduction, coercion, and child trafficking, as well as the economic disparity of sending and receiving countries, and they also defend birth family rights (Dowling & Brown, 2009; Masson, 2001; Rotabi & Gibbons, 2009), and support suspending adoptions as a policy option (Smolin, 2006, 2010). All three values-based positions are relevant to the case study, as all three are heard in the discussion on the best interest of the child and as such provide different directions for change to the complex evolution of intercountry adoption (Rotabi & Gibbons, 2009).

Another value-based perspective is that of Harding (1991), who considers four distinct perspectives influencing child welfare policy: (a) *laissez-faire and patriarchy*, where parents make decisions about the children's welfare and the state does not intervene; (b) *state paternalism and child protection*, where the state has the right to intervene in order to protect the child, even if its action overrides parental rights; (c) *the modern defense of the birth family and parents' rights*, where the state provides support and intervenes only when necessary or as a last resort; and (d) *the children's rights and child liberation*, where children have priority voice and decision making power in the decisions affecting them, and where they assume equal responsibilities as adults do.

O'Connor and Rotabi (2012) use these perspectives as a means to understanding the roles and institutional behavior of United States adoption agencies engaged in intercountry adoptions. They argue that the state does not have a great role in intercountry adoption where the modern defense of the birth family and parents' rights is largely absent. As discussed later in this chapter, the HCIA was enacted in the Hague Conference on Private International Law (HCCH); by implication, intercountry adoption is considered part of the international private law. In this context, the evolution of the intercountry adoption market has raised concerns over the ethical practices of adoption agencies, and the fair application of the *best interest of the child* principle sustaining the HCIA, which involves considering the perspectives of the birth parents and family of origin (O'Connor & Rotabi, 2012). The United States is one of the three countries that have not ratified the Convention on the Rights of the Child (explained earlier), along with Somalia and South Sudan.

**“Rescue of orphans” versus child abduction in emergency situations.** Those engaged in “rescuing” children are among the promoters of intercountry adoption. From this perspective, intercountry adoption is seen primarily as a solution in emergency situations and a temporary arrangement for orphaned children, displaced minors, and neglected or abandoned children around the world (Pilotti, 1993). Yet, critics of these practices, including both pragmatists and abolitionists, question whether child-rescuing operations only enable child abduction and child trafficking (Bergquist, 2009; Bromfield & Rotabi, 2012). A review of the history of rescue operations during emergency situations sheds some light on this debate.

In the United States, this practice goes back to the mid-19th century with the “orphan trains” organized by the Children’s Aid Society (CAS) (O'Connor, 2004). Over a period of 75 years, the CAS orphan trains delivered about 105,000 children to all 48 states, except Arizona

(O'Connor, 2004). Similarly, over a period of 20 years, Catholic Charities of New York put nearly 25,000 children on the trains from the Foundling Hospital (Gordon, 1999). When the CAS orphan trains reached their destination, children were displayed for selection by the new “parents” or “employers”; little or no documentation or verification was made regarding the child’s health or the history, background, and aptitude of those selecting the children (O'Connor, 2004). In total, between 200,000 and 250,000 children of impoverished immigrants, mainly from New York City slums, were placed throughout the Western states, usually in family homes—boys to help with farm and outdoor work and girls to help out in the house—in a form of indentured servitude (Bergquist, 2009; O'Connor, 2004). Furthermore, the orphan trains had no formal placement process, creating opportunity for child abuse, neglect (O'Connor, 2004), and abduction (Gordon, 1999). Many of the children were not “orphaned,” nor were they always transported by train (O'Connor, 2004).

As indicated in the review of the evolution of intercountry adoption, orphan trains are far from unique to the United States; these operations have occurred all over the world. The *child rescue approach* “has its origins in a very practical and necessary humanitarian response to the plight of refugee children abandoned or orphaned in the many theatres of war [around the world]” (O'Halloran, 2006, p. 266). The drive to rescue children from sociopolitical conflicts — from major geopolitical wars in Europe and Asia to the regional wars in Latin America and the end of the Cold War in Romania—and from fertility policies like the one-child policy in China, has been shaping trends in intercountry adoption throughout child welfare history (Hollinger, 2004, Pilotti, 1993; Selman, 2002).

The Vietnam Babylift, already reviewed here, was an extremely controversial child rescue operation. In fact, a highly influential group of scholars took a strong position of

opposition for such actions (Herman, n.d.). Important social service providers also took a similar stance. Joe (1978), reflecting on her own involvement as a social worker engaged in evacuation, indicated that although the numerous problems encountered may be “due to errors common to emergency endeavors, [the Babylift Operation] crystallized official opposition to intercountry adoption [as key charity organizations came out publically] denouncing the airlift” (p. 2). In addition, public outcry was seen in the *Nguyen Da Yen et al. v. Kissinger* class action lawsuit filed for the unconstitutional detention of Vietnamese children during the Vietnam war. The suit was dismissed but introduced the conflict of identifying intact families of children in the context of disaster situations (Rotabi, 2012a). Today, many social service organizations involved in global child welfare initiatives warn against such rescues (Bromfield & Rotabi, 2012). Every time there is a call to intervene for children of war and disaster, such as the previously discussed case of Zoe’s Ark in Sudan, warnings are sounded.

Nonetheless, in the aftermath of the January 2010 earthquake in Haiti members of the Idaho-based New Life Children's Refuge attempted to transport 33 Haitian children to the Dominican Republic with a plan for intercountry adoption; they were subsequently detained by Haitian authorities because of a lack of proper paperwork or official permission and were charged with child abduction (Bromfield & Rotabi, 2012; Rotabi, 2011). Save the Children referred to this emergency evacuation of children for adoption as “misguided kindness” (Doyle, 2010). This more recent event reminded intercountry adoption practitioners and scholars of the dangers in attempting to “rescue” orphaned and vulnerable children during emergency situations as these operations raise the concern over the practice of child “rescue” versus abduction of children, a concern that is most relevant to the present research.



Atzet (2010) indicated that during such crises, “the supply of available children increases, the demand for those children increases, and the intentions of those transporting the children is difficult, if not impossible, to assess” (p. 510). To avoid child trafficking under these circumstances, “the restrictions on intercountry adoption should be heightened and transportation of children should cease, while the number of criminal investigations and penalties for child trafficking should be increased” (p. 510). Smolin (2010) has made similar suggestions for preventing child laundering and related abuses, an agenda that he claims “needs to move to the center of the intercountry adoption agenda, rather than remaining, as it is now, a largely peripheral concern” (p. 3). The Guidelines for the Alternative Care of Children in 2009 (United Nations, 2010) aim to protect orphaned and vulnerable children during emergency situations; yet, they have not prevented further rescue operations from taking place, as demonstrated in the Haitian case (Atzet, 2010; Bromfield & Rotabi, 2012).

**Transracial and intercountry adoptions.** Another area in which the three values-based positions (promoters, pragmatists, and abolitionists) can be seen at odds is regarding transracial adoption, which is often involved in intercountry adoption. Bailey (2006) and Bartholet (2010) assert that adoption in the United States should be seen as a history of interracial and transracial adoption. Transracial adoption was criticized in the early 1970s considering its “potential damaging effects” on children until it became more acceptable after the Multiethnic Placement Act (MEPA) in 1994 (Baden & Steward, 2000). Intercountry adoption fostered a new era of both transracial and transcultural placements, as well as a unique experience of inter- and transcultural interaction (Carstens & Julia, 2000; Grice, 2005; Juffer & Tieman, 2009).

As the number of infants available for U.S. domestic adoption has declined since the 1970s (Kahan, 2006), the preference of U.S. prospective adoptive parents has been for young,

healthy, light-skinned children from foreign countries, with a majority of adopted children being girls (Barrett & Aubin, 1990; Brown, 2009; Dickens, 2009; Smolin, 2010). In the years since, the intercountry adoption phenomenon has been observed as White, middle-class North Americans and Western Europeans adopting impoverished children of color from developing countries (Barrett & Aubin, 1990; Hermann, 2010; Kahan, 2006). Children adopted from Eastern European countries, such as Romania and Russia, who are mostly light-skinned, have been adopted at a “higher price” in the international market of children; this has been called the “White tax” (Kligman, 1992; Stelzner, 2003). Fairer-skinned children may have been traditionally favored but the demand for darker-skinned children has also risen in recent years. For example, Guatemalan children were believed mostly to be of indigenous origin (Bunkers et al., 2009) and therefore not as fair-skinned.

The preferences of adoptive parents are critical in the intercountry and transracial adoption debate; the values-based positions (promoters, pragmatists, and abolitionists) emerge in this debate. An important indicator of the preferences of adoptive parents is the recent surge in the number of children adopted from African countries, particularly Ethiopia (U.S. Department of State, 2011a). Of the 11,582 adoptions from Ethiopia finalized between 1999 and 2012, more than half of those adopted were less than 2 years old (U.S. Department of State, 2011a). While addressing the needs of African children through ICA may be considered a way of addressing the orphan crisis (Roby & Shaw, 2006), the practice also marks a significant rise in the number of dark-skinned children in intercountry adoption.

Critics of these preferences of adoptive parents in intercountry adoption point to various dynamics that come into play in shaping these preferences, as well as the trends in intercountry and transracial adoption. For instance, prospective adoptive parents may have the perception that

foreign adoptions have an easy approval process and may prefer foreign adoptions so that they will not be locked into an open adoption, as transpired in the phenomenological study Zhang and Lee (2010) conducted involving 10 adoptive families of children of Asian origin, in which the authors identified specific factors influencing the decision-making process. Zhang and Lee (2010) assert that “on a macro level, the *push factors* for international adoption usually include wars and their aftermath, extreme poverty, social upheaval, and social policies” (p. 77, italics added). In contrast, at the micro level, “little research has focused on why some adoptive parents lean toward adopting foreign-born children. Thus, the *pull factors* for international adoption are not as clear” (Zhang & Lee, 2010, p. 77, italics added). The interface of low-resource sending countries with wealthy receiving countries and the preferences of adoptive parents in the international context (Barret & Aubin, 1990; Brown, 2009; Dickens, 2009; Smolin, 2010) provide the push and pull factors encouraging or deterring intercountry adoption (Zhang & Lee, 2010). The push and pull factors of intercountry adoption point to socioeconomic dimensions considered in the global debate, which are discussed next.

**Social and economic justice concerns.** Economic justice is better understood in relation to the existing inequalities between sending and receiving countries in intercountry adoption, which were manifested beginning in the mid-19th century and continued throughout the past 50 to 60 years (O’Halloran, 2006). O’Keefe (2007) has compared promoters of intercountry adoption, who promote the practice as a way of providing permanent homes that are not available in sending countries, with critics, who view the separation of children from their home country and culture as exploitative, imperialistic, and harmful to children. Altstein and Simon (1991) have complemented this comparison with their “two-camp explanation” of the development of intercountry adoption when the movement of children through intercountry

adoption has been traditionally coming from low-resource nations in the global South to more industrialized, high-resource nations in the North (O'Halloran, 2006; Rotabi & Gibbons, 2012; Selman, 2009). Some of the factors influencing these processes include the expansion of reproductive and women's rights, such as greater access to birth control and the elimination of legal obstacles to abortion in the United States and some European countries, paired with greater tolerance of single parenthood, particularly among young, unmarried mothers, all of which are key in creating the shortage of adoptable newborns within developed countries (Pilotti, 1993). All of these elements influence the way in which intercountry adoption is taking place around the world in the context of a global economic society.

Social justice can be advanced by promoting human rights and considering or addressing the "best interest" of the diverse actors involved in the process (Stelzner, 2003). The researcher found that human rights perspectives are predominant in the intercountry adoption literature; these perspectives continue to reflect the three different values-based positions (promoters, pragmatists, and abolitionists). Perspectives on the rights of children and how to promote them are featured by Roby (2007), who argues that children have rights before, during, and after adoption. Before adoption, children's rights include (a) the right to life, maternal, prenatal care, and health care; (b) the right to grow up in a family; and (c) the right to grow up in one's own culture. During adoption, children's rights include (a) the right to a determination of adoptability, (b) the right to be placed with a properly prepared adoptive family, (c) the right to be matched with families who can and will provide for special needs, (d) the right of protection from becoming a commodity, (e) the right to competent and ethical professional care, and (f) the right to give consent or express one's own opinion. After adoption, children's rights include (a) the

right to full family membership, (b) the right to social acceptance, and (c) the right to have access to birth and identity records (Roby, 2007).

Roby and Ife (2009) have recognized that defining human rights with respect to intercountry adoptions “is a complex task due to the legal, cultural and social diversity of the sending and receiving nation” (p. 665). The authors assert that “although it is dangerous to accept standards established by international groups, typically because they represent the views of former colonizers, it often becomes necessary to rely on these standards in arenas where no other standards have been established” (p. 666). Thus, observance of international standards, such as the HCIA, is important, but respect for the national local context in which intercountry adoption takes place is necessary to attend to the human rights of those entrusted in securing the children’s rights, as Roby (2007) has previously suggested.

Furthermore, Roby (2007) asserts that this set of rights should inform public policy decisions and administrative measures to ensure that every child is able to enjoy adequate protection and the proper environment for child development. Nations should provide assistance to the poorest to ensure family preservation so that families do not feel forced to relinquish or abandon their children; they should also provide a right for children to be adopted by extended family, kin, or other nationals while not disregarding the possibility of intercountry adoption after all in-country options have been exhausted (Roby, 2007). In fact, nations should implement regulations aimed at eliminating unethical practices on the part of public servants as well as by private adoption agencies and others involved in the intercountry adoption chain (Roby, 2007).

An alternative perspective based on an interpretation of national and international law is found in the work of Elizabeth Bartholet, a well-known legal scholar and outspoken adoptive mother. Bartholet (2010) has asserted that international adoption is under siege by those claiming

the human rights approach and restricting intercountry adoption. She has further stated that neither abuse in the adoption process nor concepts of heritage can justify restricting international adoption policies, mandating in-country holding periods, or eliminating private adoption intermediaries (Bartholet 2010). A child's most fundamental human right is the right to a nurturing family, Bartholet (2010) has argued, adding that children everywhere should be recognized as citizens of a global community with basic human rights, including belonging to a family, which in many cases is viable only through intercountry adoption.

In critique of Bartholet's ideas, Oreskovic and Maskew (2009) asserted that intercountry adoption should be considered in context, which Bartholet is missing in her assertions. As pointed earlier, intercountry adoption in low-resource countries lacking proper child welfare infrastructure and adequate safeguards only creates opportunities for child sales and the abduction of vulnerable children to meet the market demand of prospective adoptive parents in high-resource countries. In Guatemala, for example, organized criminal transnational child trafficking and smuggling networks were created for the purposes of illegal and irregular adoptions (CICIG, 2010). Bartholet seems to ignore this contextual factor and has even pointed to Guatemala as an ideal intercountry adoption nation (Rotabi & Bergquist, 2010).

Human rights also include the rights of women, specifically the rights of birth mothers, who in intercountry adoption are in a highly vulnerable position, especially in Guatemala (Casa Alianza et al., 2007; Rotabi & Gibbons, 2012; Wiley & Baden, 2005). Thus, any intercountry adoption research should take into consideration the rights of both children and their families, particularly their mothers (O'Connor & Rotabi, 2012). This research design is grounded on human rights perspectives, advancing the social and economic justice of people around the

world, particularly of women, children, and their families, who are the population of concern in the case study research.

### **Ecological, Feminist, and Cultural Perspectives**

Key perspectives identified in the field of intercountry adoption and relevant to the topic of research were found grounded on theory, such as ecology and feminist theories. This section presents the main body of scientifically based literature. It explains how these theories and perspectives may be applied in the case study research.

**Ecological framework.** The *ecology* theory accounts for the interactive and changing nature of family and community systems and their environments (Ritzer, 2008), including the influence of social class and the unequal distribution of resources within the society (Houston, 2002). Bronfenbrenner's ecological model involves the micro system, such as the child's relationship with her parents; the meso-system, such as family, school, and church; the exo-system, such as the parent's workplace and child's development; and the macro system, such as law, economy, and politics (Bronfenbrenner, 1979). In fact, "the central strength of the ecological perspective is its treatment of the individual and the problem, both in and as part of the environment, instead of focusing solely on the person or the illness as the problem" (Rotabi, 2007, p. 120). The nested nature of systems and the interactions of power, poverty, and privilege are factors interacting with reproductive health policies and outcomes related to intercountry adoption in a complex system of social conditions in Guatemala (Rotabi et al., 2008).

Specifically, the application of ecology theory in the field of child welfare has increased understanding of the "multi-faceted terrain of human experience [which has been] pivotal to the re-focusing of services towards prevention, family support, the alleviation of poverty and the development of social capital" (Houston, 2002, pp. 302–303). The use of ecological theory was

essential in analyzing the situation of Guatemalan mothers whose children were reportedly abducted for intercountry adoption, in order to account for the complex lived experience of these women. Analysis of the social environment is critical for identifying and understanding the multiplicity of perspectives among the diverse actors involved in the enactment of the HCIA and the delivery of relevant services. This theory has also been helpful in understanding the emerging categories from the research, as explained in Chapter 3.

**Feminist-cultural perspectives.** Perspectives grounded in feminist theory can be useful in the case study research to understand the multiple factors influencing the reality of the three Guatemalan women interviewed. Key to the feminist perspectives in research is the notion of *intersectionality*, referring to a complex system of multiple structures of oppression to which women are subjected, causing their disempowerment (Crenshaw, 1991). On one hand, this analytical approach “exposes the ways that different systems, such as patriarchy, racism and economic advantage, create and perpetuate layers of inequality. In these systems, women are marginalized because they are women but also because they are members of an ethnic, religious or linguistic minority or as a result of multiple identities” (Central American Women’s Network, 2010, p. 1).

Race is not an objective or fixed reality; it is a social construction that changes over time, and intersectionality builds on the experiential knowledge of people of color (Ritzer, 2008). Muñoz Cabrera (2010) has suggested the use of Crenshaw’s definition of intersectionality in feminist analysis, given the complexity of social systems that include multiple, simultaneous structures of oppression that make women oppressed beyond social class and gender alone.

Feminist perspectives, including consideration of race and culture as well as patriarchy, are essential for understanding contextual factors influencing intercountry adoption (Barrett &



Aubin, 1990). These contextual factors include poverty, war, and natural disasters, which are often behind child abandonment, as well as the interplay of individual and society—for example, how a patriarchal, racist, or capitalistic society reinforces or discourages behaviors such as parental responsibility (Barrett & Aubin, 1990). Inequality of opportunities is a common characteristic of intercountry adoption, given that it involves children from poor families in developing countries being adopted by relatively well-off families in developed countries (Ngabonziza, 2001). Hermann and Kasper (1992) have offered the opinion that “although the adoption of Third World children by adults in developed nations may provide families for parentless children, it also exploits women and children in undeveloped countries, both politically and economically” (p. 45). In her research on the experience of 36 relinquishing birth mothers in South India, Bos (2007) found that the gender of the newly born child was a decisive factor in the decision to relinquish. In fact, poverty in Guatemala may be the main reason birth mothers make adoption plans (Gibbons et al., 2009).

The rights of the women within the intercountry adoption triad (i.e., the birth mother, the adoptive mother, and the child, who is often a girl) “must be framed within the national and global implications and realities of sexism and the oppression of children” (Hermann & Kasper, 1992, p. 56). Yet, gender perspectives have not been sufficiently integrated into postconflict reconstruction in countries where “different types of violence—political, economic, and social—coexist and overlap, and can be identified at four different levels—the individual, inter-personal, institutional, and structural” (Moser & Clark, 2001, p. 30). This feminist approach is fundamentally necessary in environments in which high levels of violence against women exist, such as in most Latin American countries, particularly Guatemala (Muñoz Cabrera, 2010).

Violence against women, as a social context for child abduction, is an important element

in the evolution of Guatemalan adoptions (Bunkers & Groza, 2012; Rotabi, 2008). The Fundación Sobrevivientes (2009) considers child abduction for adoption another form of widespread violence against women in Guatemala. In fact, that country ranks second highest in the Americas (after Mexico) in female homicides in absolute numbers, and has the highest per capita rate of female homicides in the Western Hemisphere (Fundación Sobrevivientes, 2009). Female homicide cases are considered part of the growing phenomenon of *feminicide*, which from a feminist perspective is defined as the killing of women as a result of the domination of men in the gender power relations. To be typified as feminicide, female homicides have to meet certain criteria, such as having been raped and subjected to torture involving the dismembering of female body parts.

Violence against women and the feminization of poverty have taken central stage in feminist research during the past two decades (Muñoz Estrada, 2010). However, feminist perspectives are not well integrated in intercountry adoption research in developing, postconflict nations such as Guatemala. In that nation, women in general and birth mothers in particular are generally poorly educated and impoverished and consequently highly vulnerable to coercion and deceit; this is itself a form of violence against women and a common feature in cases of child abduction, sale, and trafficking for purposes of intercountry adoption (Casa Alianza et al., 2007; Estrada Zepeda, 2009; Muñoz Cabrera, 2010).

Rotabi and Bromfield (2012) argue that given the Guatemalan history of gender inequality and the notoriety of oppression and victimization of women, the practice of surrogacy is observed in the utilization of women as “breeders,” an inhuman and pejorative perspective about this “lesser evil” in the Guatemalan market. The authors explore free will, self-determination, and the implications of conflict and social exchange theory, as women are forced

into proposals of choice of conditions that may be less dire and oppressive between surrogacy and sex work. These practices only further women's exploitation and place heavier burdens on Guatemalan families. Social injustice and oppression of marketing women's bodies in countries like Guatemala uncovers the lack of relevant regulations, policy, and protection for women and surrogates (Rotabi & Bromfield, 2012). Rotabi (2012c) states that "the best interests of the child will likely be applied it the Guatemala mothers *if* they ever have their day in court and prove child abduction for adoption. Then, *if* there is a determination of custody, inevitably the best interests of the child will enter judicial consideration of long-term custody" (p.19).

### **Considerations of Social Policy and Child Welfare Practice**

Perspectives that take account of social policy and child welfare practices are also prominent in the existing literature. Following is a presentation and analysis of characterizations and propositions in this field that are most relevant to the case study. These are not exclusive of the perspectives presented above; instead, they complement each other. For the most part, the presented work has been grounded in statistical, legal, or social policy analyses from this multidisciplinary group of authors.

**Approaches to social policy.** A well-recognized scholar with an abolitionist perspective of intercountry adoption and lecturer of international child welfare, Jonathan Dickens (in Rotabi & Gibbons, 2009), has identified three social policy approaches to intercountry adoption. Dickens (2009) distinguishes between these approaches: (a) liberal or neo-liberal, which emphasizes greater parental responsibility, more choices on the part of birth and adoptive parents, and minimum state intervention except in cases in which the child is at risk and needs protection; (b) conservative corporatist, which calls for a greater role by the state in planning and funding welfare services but ensures that private agencies deliver those services; and (c) social

democratic, which involves the state's redistribution of wealth through the provision of social services to children and families who need those services. Drawing on social welfare and globalization theories, Dickens (2009) asserts that this framework "shows how ICA interacts with national child and family welfare policies in receiving and sending countries" (p. 595). The examples the author provides are from high-resource or industrialized nations actively engaged in intercountry adoption from developing countries, including Romania's case.

The well-known lawyer and professor Smolin (2010), who is also an international adoptive parent concerned with child abduction, has argued that in light of the widespread child trafficking, sale, and exploitation around the world, which has involved child stealing and laundering, there are different options for policy change regarding intercountry adoption. These options include (a) continuing as is; (b) to suspend all adoptions; or (c) to reform the policy. Using Dickens' framework of social policy and Smolin's framework of policy change to analyze policy options, one can assert that Smolin options could lead to policy change shaped by the inherent values of the child-receiving state, as defined in Dickens' approaches.

For instance, using the country classification Dickens (2009) provided, neo-liberal states such as the United States, and to a certain degree conservative corporatist states such as France and Germany, would prefer to continue with intercountry adoption despite reports of child abduction. In contrast, a social democratic state such as the Scandinavian countries would consider suspending all adoptions and even reforming the child welfare system in order to ensure the protection of children and their families (Dickens, 2009). Intercountry adoption policies of a low-resource nation such as Guatemala are ultimately shaped by these forces—often in the interests of the families who hope to adopt children (O'Connor & Rotabi, 2012).

**Issues in child welfare practice.** Children adopted internationally face many risk factors, including poverty, poor prenatal care, and high stress, particularly those with prior institutional care experience (Groza, Ryan, & Thomas, 2008). The literature points to various issues of concern in intercountry adoption, including the prevalence of physical, mental, and psychological problems among internationally adopted children, and issues of adjustment, identity, and cultural integration (Roberson, 2006; Rotabi & Bunkers, 2011; Welsh, et al., 2007). Howe (2006) has defined attachment as a “system of protection at times of danger,” adding that attachment behaviors are triggered “whenever the highly vulnerable human infant experiences anxiety, fear, confusion, or feelings of abandonment” (p. 128). This particular child welfare concern has received considerable attention in the field of intercountry adoption research (Roberson, 2006), as evidenced in the existing literature.

Attachment disorders and trauma have been found to be associated with long stays in institutions and the abuse and neglect to which they may have been exposed, which can cause antisocial behavior and learning disabilities after adoption (Stelzner, 2003). Groza et al.’s (2008) nonrandom, cross-sectional analysis of 123 children adopted from Romania, most of whom had experienced institutionalization, showed that “the impact of a traumatic environment during early childhood is linked to short-term and long-term difficulties in [Romanian] adoptees” (p. 185). It is safe to assume that the risk of disorganized attachment is high among children with a history of placement in institutional care, abandonment, and parental mental illness, such as intercountry adoption adoptees (Roberson, 2006).

Yet the research on trauma and attachment difficulties of formally institutionalized children has neglected the experience of other orphaned and vulnerable children, such as street children and child-headed households, particularly those suffering from the HIV epidemic in

Africa (Zimmer & Dayton, 2005). An extensive literature review found a lack of research prior to child placement in intercountry adoption and throughout their entire life, inquiries on birth family perspectives and experiences, and the systematic study of culturally grounded, alternative care models in sending countries (Rotabi & Bunkers, 2011). These research gaps seem to influence existing practices in intercountry adoption. Although therapeutic interventions used in intercountry adoption indicate that many international placement agencies provide a variety of pre- and postadoption services (Welsh et al., 2007), agency practices have been found to be not grounded in empirical research and are not necessarily best practices (Welsh et al., 2007).

Furthermore, reviews of the literature on meta analyses of the social-emotional and cognitive adjustment of adoptees (Juffer & Tieman, 2009) found that children adopted internationally have displayed more behavioral problems than children adopted domestically. McKinney (2007) affirmed that “children who spend any significant amount of time in institutional care face medical, behavioral, emotional, and developmental difficulties that can severely impair their long-term well-being” (pp. 382–383). Therefore, these children and their adoptive families need additional support and therapeutic interventions after adoption to help them with adjustment and essential social cognitive skills (Howe, 2006; Welsh et al., 2007).

In sum, perspectives on social policy and child welfare practice, including clinical concerns, are essential for understanding the policy and practice dimensions emerging in the case study research from interviewing the aforementioned mothers. Those presented here have been found to be well supported in empirical evidence.

## **The Hague Convention on Intercountry Adoption as a Policy Context**

### **Origins and Mandate of the HCIA**

Even though intercountry adoption practice has been occurring for more than 50 years, only within the last two decades has it been systematically defined and regulated in the international arena through the HCIA (O'Halloran, 2006). This section provides a more extensive overview of the HCIA than that provided in the introduction (Chapter 1). The HCIA is the context in which the present research took place. The references reviewed are mostly official documents from the Hague Conference on International Law (HCCH), which enacted the HCIA in 1993 (HCCH, 2011). The other documentation analyzed for this section includes articles from academic sources presenting empirical research, unless otherwise specified.

Twenty-seven countries originally signed this international private law convention (HCCH 1993b); today, more than 80 countries have subscribed (HCCH, 2011). The main thrust of HCIA is contained in its Preamble (HCCH, 1993a), which recognizes that children “should grow up in a [nurturing, suitable] family environment but countries must ensure that intercountry adoptions are made in the best interests of the child and with respect for his or her fundamental rights, and to prevent the abduction, the sale of, or traffic in children” (HCCH, 2003a, p. 1). In other words, by subscribing to the HCIA, nations acknowledge that having a family is critical to a child’s physical and emotional development and well-being and that government authorities should make every effort to keep children in a family system—either their birth family or an alternative family (including extended family) within their country of origin—through domestic adoption or other possibilities for in-country care, before considering intercountry adoption (HCCH, 2005). Only when placement in in-country settings is not possible should intercountry adoption be used to provide the child a permanent, loving home (HCCH, 2005). However, the

HCIA “does not require that all [in-country] possibilities be exhausted. . . [as doing so] may delay indefinitely the possibility of finding a permanent home abroad for a child,” particularly if in-country options are unrealistic or “place an unnecessary burden on the authorities” (HCCH, 2008b, p. 29). This continuum of care for children is called the principle of subsidiarity, which is explained at length in the next section.

The HCIA also calls for member nations to adopt regulations and other measures, including domestic legislation, preventing child abduction, sale, and trafficking. It requires member nations to establish Central Authorities to regulate intercountry adoption within and among subscribing countries, and it promotes cooperation between these Central Authorities and provides technical assistance to countries that make a request for support (HCCH, 1993a, 1993b, 2008a). Each of these principles is discussed in further detail below.

**Best interest of the child.** The *best interest of the child* is defined in the HCIA in Articles 1, 4, and 16 (HCCH, 1993a). Article 1 reinforces the principle that intercountry adoption should take place in the best interests of the child and within the child’s fundamental rights. Article 4 establishes that sending countries should consider intercountry adoption only after considering in-country placements (HCCH, 1993a). Article 16 makes clear that the sending country should consider a foreign placement only after the child has been deemed adoptable and the proper parental consents have been obtained (HCCH, 1993a).

The HCIA, as well as the CRC, consider the best interest of the child as “paramount” (HCCH, 1993a; Hollingsworth, 2008; McKinney, 2007; Rotabi, 2008; United Nations, 1989; Yemm, 2010); but differing views regarding this matter exist (Rotabi & Bunkers, 2011). Some intercountry adoption scholars argue that the best interest of an adoptable child resides in the provision of the most basic human right of a child—that is, to grow up in a family—and that if



the child is parentless or the parents are unable to care for the child, intercountry adoption should be favored over all other in-country alternative care arrangements, even domestic adoption (Bartholet, 2007, 2010; Stelzner, 2003). The position of these promoters of intercountry adoption often calls for expediting child adoptions to minimize the harm to children who may be languishing in institutional care while a final case determination is made.

Other intercountry adoption scholars, however, are of the opinion that domestic solutions should be fully exhausted before intercountry adoption is considered. These scholars, most often pragmatists, promote other culturally appropriate forms of alternative care, which may be identified through a family assessment. A suggested intervention is Family Group Conferencing (FGC), which is a positioning of human rights from below (Roby & Ife, 2009). The implementation of an FGC childcare planning process often leads to the provision of care within a family group, such as immediate and extended family and a kinship group. It may also lead to domestic adoption in countries such as Guatemala (Rotabi, Pennell, Roby, & Bunkers, 2011).

Keeping the best interest of the child foremost is a core principle mandated in the HCIA implementation (HCCH, 1993a). Community-based or family-based models of alternative care, such as the informal care models Bunkers (2010) identified in Ethiopia, and different forms of guardianship agreements could be considered worthy options for in-country placement prior to considering intercountry adoption (Bunkers et al., 2012). Informal care practices have received little attention in academic literature and are often dismissed as viable solutions for orphaned and vulnerable children (Rotabi & Bunkers, 2011).

The multilateral instruments, such as declarations and conventions, embracing the best interest of the child as a core principle are multiple and varied (HCCH, 1993a; United Nations, 1986, 1989), complicating the operationalization of this principle. McKinney (2007) argued that

“the interpretive relationship between the CRC and the Hague Convention remains complicated, and the potential contradiction generates even further debate about when international adoption is preferable to other types of alternative care” (p. 386). Cantwell (2004) has pointed out that these instruments do not provide adequate or sufficient guidance for the practical interpretation of the principle of best interest of the child. Carlson (2010) has suggested that the best interest standard is not a guiding principle but an adjudicatory standard or mechanism for resolving a dispute between two parties over a single child.

Regarding ethical standards, the literature indicates that the best interest of the child does not exist in a vacuum but in a particular cultural or ecological context. Smolin (2005a) argues that this concept is intertwined with the interests and rights of all members of the adoption triad—the child, birth parents, and adoptive parents. Smolin (2005a) has emphasized the importance of upholding not only the rights of the child but also the rights of the birth family to be connected with that child and the right of the child to be connected with his or her birth parents, even while growing up with adoptive parents. Failing to respect the rights of each member of the triad only harms the child, according to Smolin (2005a), who has opined that “ethical adoption . . . respects the dignity and rights of all triad members” (p. 285). Furthermore, “an attempt to ‘save a child’ by reducing the child to an article of commerce, or by inducing her birth parents to sell her, could result in the victimization of the child and her loved ones in the name of the best interests of the child” (Smolin, 2005a, p. 286). Conceptually and operationally, it is difficult, if not impossible, to determine what it means to “respect” a triad member; although legal standards establish minimum requirements, the meaning for each stakeholder is subject to multiple interpretations (Smolin, 2005a). However, these important propositions emerge only from analysis of legal documentation, not from field-based research.

A nation's Central Authority acts in an oversight role to ensure that ethical practices have been used in the development of alternative child welfare; that is, oversight to verify if, in fact, parents and extended family are unable or unwilling to provide for the child or if the child can be placed in foster care (Bunkers et al., 2009). In such cases, the HCIA seems to support a continuum of care or the provision of comprehensive services that "must start with family preservation, then family reunification and domestic adoption, with international adoption only as a last resort after all other options have been evaluated and determined not to be in the child's best interest" (Bunkers et al., 2009, p. 652). This continuum of care regarding the best interest of the child is contained in the HCIA's principle of subsidiarity, outlined below.

**Principle of subsidiarity.** As indicated earlier, the HCIA favors the growing up of a child in a family environment in a continuum of care that does due diligence to in-country alternative options before considering intercountry adoption. The HCIA Preamble states that "appropriate measures [must be taken] to enable the child to remain in the care of his or her family of origin" and that intercountry adoption should be considered only if "a suitable family cannot be found in his or her State of origin" (HCCH, 1993a, p. 1). Article 4 restates this notion and adds that intercountry adoption should be considered only if the adoptability of the child has been established and no possibilities of adoption have been found within the country of origin (HCCH, 1993a). Article 5 reinforces the role of competent authorities in ensuring the eligibility and suitability of the prospective adoptive parents prior to making the placement (HCCH, 1993a).

Some intercountry adoption scholars argue that community-based alternatives are more culturally appropriate in countries such as Guatemala, and that these interventions should be considered and exhausted before intercountry adoption (Rotabi et al., 2011). An opposing view is

that “strict subsidiarity, crudely applied, leads unnecessarily to institutionalization or abusive forms of foster placement . . . [as] ‘suitable local family placement’ might refer to a wide range of delayed adoption, extended family or non-family foster placement, or household service arrangements that are not in a child’s best interests” (Carlson, 2010, pp. 735, 737). Bartholet (2010) views the subsidiarity principle as the main argument for discouraging and suspending intercountry adoption posited by those she perceives as taking “anti-international adoption positions” (p. 98).

In a public debate on the principle of subsidiarity (Bartholet & Smolin, 2012), Bartholet claims that the U.N. Committee on the Rights of the Child, UNICEF, and Save the Children favor the more rigid interpretation of this principle contained in the CRC, which gives preference to in-country alternatives over intercountry adoption for cultural heritage reasons. These claims do not seem justified since the HCCH’s Permanent Bureau, which is responsible for monitoring the implementation of the HCIA, has produced specific guidelines regarding the principle of subsidiarity (HCCH, 2008b). The HCIA Guide to Good Practice states that “the Convention does not impose an obligation on Contracting States to engage in intercountry adoption and it is based on the subsidiarity principle according to which intercountry adoption may be considered as an option only after the possibilities for placement of the child within the country of origin have been considered” (HCCH, 2008b, p. 103). In fact, the Guide states that “the child should ideally be raised in his or her family of birth. If that is not possible, then *a family* should be sought in his or her country of origin. When that is also not possible, then intercountry adoption may provide the child with *a permanent, loving home*” (HCCH, 2008b, p. 22, italics added for emphasis).

**Prevention of child abduction, sale, and trafficking.** By subscribing to the HCIA, states pledge to create a national protection system that ensures that intercountry adoption is undertaken in the best interest of the child while preventing child abduction, sale, and trafficking (HCCH, 2008b). Article 1 of the HCIA declares the main objectives of the Convention to be ensuring safeguards to protect the best interest of the child and creating a system of cooperation to prevent the abduction, the sale of, or traffic in children. Article 4 defines the role of “competent authorities” in ensuring that the adoption process prevents child abduction and subsequent sale and trafficking, which is characteristic of illegal adoptions. This same article encourages those competent authorities to first determine the child’s adoptability by ensuring that in cases of relinquishment, parental consent is obtained without inducement of payment or compensation, and only after the birth of the child. Too, if the child’s age and maturity allow, the child must also be properly counseled, fully informed, and not induced to undergo adoption for payment or compensation.

The intercountry adoption literature is divided regarding the pervasive and inevitable nature of child abduction, sale, and trafficking in some intercountry adoption contexts. Some authors oppose ending intercountry adoption even in the presence of such child abuses, which are asserted to be infrequent (Bartholet, 2010). Other authors, such as Rotabi and Gibbons (2012) explore whether the HCIA protects orphaned and vulnerable children, finding that each country’s context and implementation of the Convention are different in protective outcomes. Provocative arguments from scholars such as Carlson (2010) set a tone of urgency. Carlson states that even in the face of abuses, “efforts to bar intercountry adoption will deprive some children of a needed opportunity and are more likely to perpetuate than alleviate deleterious conditions in local orphanages” (p. 755). Carlson (2010) asserts that “waiting can cause real harm to children if they

remain too long in institutions or substandard foster care and lose their opportunity for early family bonding” (p. 774). When a country decides to free a child for intercountry adoption, this element must be one consideration of the child’s best interest.

**Determination of adoptability.** Determining the adoptability of the child is another critical element of the HCIA and is a requirement for considering intercountry adoption in the application of the principle of subsidiarity. While determining whether a child is eligible for adoption would seem to be simple, it is in fact quite complex. Oreskovic and Maskew (2009) assert that “adoptability is not a self-defining construct. . . [It involves] complex and inconsistent legal and cultural issues that need to be addressed to determine whether a child is, in fact, adoptable” (p. 78). The HCIA Guide for Good Practice (HCCH, 2008b) says that states of origin may determine a child’s adoptability based on their own regulations but that relevant criteria should be clearly defined such as determining abandonment of the child as a prior condition for a child to be declared adoptable.

The determination of adoptability is one of the most important parts of the adoption process, and yet in Guatemala, determinations were often irregular. Under the notary system in Guatemala that was used in that country’s adoptions from 1977 to 2007, “adoptions were processed against the best interests of the child by failing to find suitable options or solutions in the child’s extended family. . . and the lack of investigation of cases of trafficking for the purpose of illegal adoption and the lack of respect of the children’s best interests led to a situation of impunity for many years” (Instituto Latinoamericano para la Educación y la Comunicación [Latin American Institute for Education and Communication], 2000, p. 18). In some cases, Smolin (2006) has pointed out that the process of determination of adoptability has lent itself to child laundering; for example, through adoption fraud about the mother’s or child’s

identity, which has been the case in some of the transition cases in Guatemala (CICIG, 2010). Consequently, a systematic and well-documented adoptability determination could prevent adoption fraud and thus deter illegal adoption incentives and prevent child abduction.

**Informed consent and ethical agency practices.** The obligation to provide informed consent—that is, ensuring that birth parents’ consent to relinquish their child for adoption is truly informed and freely granted, without coercion—is clearly at the heart of the HCIA. For instance, Article 16 requires Central Authorities to “ensure that consents have been obtained in accordance with Article 4,” which itself requires that intercountry adoption be considered only after considering in-country placements (HCCH, 1993a, p. 4). The Convention’s practice guide (HCCH, 2005) provides specific instructions to nations about obtaining the informed consent of birth parents or legal guardians of the child as a way of preventing illegal forms of adoption. The element of parental informed consent and resulting agency practices are central to any ethical intercountry adoption.

**Cross-country cooperation and global technical assistance.** Article 1 of the HCIA defines as one of its objectives “to establish a system of co-operation amongst Contracting States to ensure that those safeguards are respected and thereby prevent the abduction, the sale of, or traffic in children” (HCCH, 1993a, p. 1). Article 7 mandates that “Central Authorities shall co-operate with each other and promote co-operation amongst the competent authorities in their States to protect children and to achieve the other objects of the Convention” (HCCH, 1993a, p. 3). Because the cross-country cooperation complements the safeguards mandated in the HCIA (HCCH, 1993b), the HCCH Permanent Bureau has allocated significant resources to the implementation of the HCIA. These have included a practice guide prepared to assist member countries in implementation of the HCIA, a practice guide (in progress) for the accreditation

process, and the provision of technical assistance to help countries draft national regulations to enact or operationalize the HCIA, train Central Authorities, and improve their national child protection system (HCCH, 2005, 2007a, 2008b). Guatemala is among a selected group of sending countries receiving this technical assistance to strengthen its child protection system—an HCCH Permanent Bureau fact-finding mission to that nation (HCCH, 2007b) was held just prior to the 2007 moratorium on intercountry adoptions.

### **Trends in the Implementation of the HCIA Globally and in Guatemala**

As subscribing countries further implement the HCIA, greater restrictions are being placed on intercountry adoption—a trend some intercountry adoption scholars view as discouraging intercountry adoption (Bartholet, 2010; Selman, 2012). Selman (2009) has argued that the recent increase in restrictions on intercountry adoption “seems likely to worsen, so that many of those [intercountry adoptions] approved will face a long wait and [the prospective adoptive parents] may never receive a child” (p. 591). In the other spectrum of viewpoints, as the HCIA is implemented globally, intercountry adoption may offer “immediate benefits for some children, [yet] it is essential to end it in the longer-term interests of all children” (Dickens, 2009, p. 605). Suspending intercountry adoptions is one policy option when adequate safeguards against child abduction, sale, and trafficking, and laundering are not in place (Selman, 2009; Smolin, 2010).

A review of the history of Guatemala’s accession to the HCIA shows that it has been a conflict-filled process resulting in substantial delays in policy implementation. Guatemala subscribed to the HCIA on November 26, 2002 (HCCH, 2011), and the HCIA was planned to enter into force on March 1, 2003 (HCCH, 2011). However, a group of lawyers in the notary system—suspected to be engaged and profiting from intercountry adoption in Guatemala—



challenged the validity of this policy decision, and the country's Constitutional Court declared the accession process unconstitutional, leading "to the continuation of notarial adoption proceedings . . . for another five years" (CICIG, 2010, p. 16). Only after the Constitutional Court ruling was reversed in May 2007 and the new adoption law was enacted in December 2007 did the country's formal accession go into effect (CICIG, 2010). By the end of that year, new intercountry adoptions had already been suspended and this moratorium continues to date (U.S. Department of State, 2011a). Smolin (2010) has argued that the moratorium on new [intercountry] adoptions in Guatemala "can be attributed to the inevitable collapse of a system broadly viewed as corrupt, money-driven, and rife with child trafficking" (p. 20).

Between 2006 and 2007, foreign parents were adopting one of every 100 babies born in Guatemala (Gibbons et al., 2009). Prospective adoptive parents were paying exorbitant fees for adoptions, ranging from \$20,000 USD and upwards for a Guatemalan child (HCCH, 2007b; Rotabi & Bunkers, 2008; Gibbons et al., 2009). Just prior to the 2007 moratorium of new intercountry adoptions, they were paying \$30,000 to \$40,000 USD (CICIG, 2010). The UN Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography claimed that at the time of the moratorium, "the demand for children was roughly 50 applications for every healthy newborn" (CICIG, 2010, p. 22). Prior to the 2007 moratorium, intercountry adoptions—especially those to the United States—became the majority of adoptions in Guatemala (CICIG, 2010; ILPEC, 2000; Selman, 2006), while domestic adoptions were undermined. ILPEC (2000) found that national adoptions were complicated with requirements, and that formal domestic adoption in Guatemala was not part of the local culture; group homes seemed to prefer international adoptions, lawyers wanting to earn "in dollars," and national prospective parents reported being unable to adopt because of the "too high" cost of adoption.

Following the moratorium on new intercountry adoptions, adoption proceedings in Guatemala have focused on resolving the transition cases (CICIG, 2010), of which 382 remained active as of December 31, 2010 (U.S. Department of State, 2011a). Perspectives on how to continue processing the transition cases are varied. Prospective adoptive parents, as well as the Office of Children's Issues of the U.S. Department of State, legislative officials, and several inter-governmental agencies, are heavily invested in promoting resolution to the transition cases (U.S. Department of State, 2011b). The CICIG (2010) is focused on clarifying the irregularities involved in the transition cases, particularly among those cases pending before finalizing intercountry adoptions; actually, it has recommended multiple reforms and the adoption of measures to ensure that adoption irregularities are prevented and the criminals involved are prosecuted. The Fundación Sobrevivientes (2009) is promoting justice for the women and families it is legally representing, including the mothers interviewed in this study; the organization holds the position that intercountry adoption from Guatemala should not resume until these cases are resolved.

### **Child Abduction**

An analysis of the specific history of child abduction was conducted to inform the present research through the formulation of working hypotheses. This section provides an in-depth discussion of the history of child abduction in general as well as it relates to adoption internationally and in Guatemala. As in previous sections, the same criterion has been used to analyze the existing literature (i.e., identifying the nature of the research conducted to produce constructions, propositions, or conclusions).

## **History of Child Removal and Abduction in the United States**

**Child abduction in the early colonies.** During the 17th and 18th centuries, the child welfare system as we know it did not exist. Children had no rights under the law, and children whose parents were unable or unwilling to care for them had few options. It was common practice to place these children into apprenticeships, which often permitted grievous maltreatment (Mallon & McCartt Hess, 2005). These arrangements, known as *indentures*, constituted an informal form of adoption since birth parents “voluntarily” gave children as young as 7 years old to their masters; in some cases, local authorities removed children from poor families because their parents were perceived as “paupers” and unable to teach their children “good” working habits (Mallon & McCartt Hess, 2005). Massive migration from England and other countries to the United States created a large reservoir of “needy” children, and to bring some relief to impoverished families, “poor laws” were enacted in the early 1800s (Mallon & McCartt Hess, 2005). These laws led to the creation of “almshouses” (i.e., homes for the destitute) and “asylums” (i.e., institutions created for marginalized people, including orphans and children of paupers), which were the basis for the beginning of an expanded foster care system and the development of private efforts by privileged or elite groups (Mallon & McCartt Hess, 2005).

**The “orphan trains” and “child saving” movement.** In the earlier historical review of adoption in the United States, orphan trains were discussed. As a reminder, an estimated 150,000 children were “placed out” of New York into the Midwest between 1854 and 1930 (Cook, 1995). These “orphan trains” became the center of the “child saving” movement during those years (Gordon, 1999). They traveled to places where there was a labor shortage, and children would be put up on platforms for people to publicly select them and take them home; each child was

treated as a “piece of land” (Gordon, 1999). In recent years, this placing-out approach has been highly criticized; for instance, Bromfield and Rotabi (2012) asserted that this history of child rescuing is a form of child trafficking under the guise of intercountry adoption.

Historian Cook (1995) conducted interviews with 25 adults placed as children during those years and found serious inconsistencies in the criteria used to select children for the out-placing; participants pointed to separation of siblings as well as “family poverty as a principal factor in some placements, and permanent removal from biological families in some situations in which temporary placement could have resolved the problems in the home” (p. 191). Gordon (1999) has suggested that given these poor placement standards, it is likely that many parents were forced to give up their children or that children were placed out only because their parents were impoverished, sometimes without parental consent. In reality “child savers were actually child stealers . . . [because] these children [were] stolen or rescued, depending on one’s point of view” (Gordon, 1999, p. 11).

**“Orphan abduction” in Arizona.** In 1870 in New York City, the Catholic Charities of New York, particularly the Sisters of Charities, opened a “foundling” home with a “crib” where mothers could abandon their children (Gordon, 1999). The New York Foundling Home, focused on placing infants and preschool children in Catholic families, was established partly in response to numerous complaints about Children’s Aid Society’s placing-out strategy (Cook, 1995). By 1904, the Foundling Hospital was handling 1,900 children a year—many of them Irish and Catholic—and “emigrating” 450 to 475 of them into Southwestern states (Gordon, 1999).

That same year, the Catholic sisters sent 40 Irish orphaned and vulnerable children to Arizona, where a local priest placed them with relatively poor, Catholic Mexican families in the mining community of Clifton-Morenci (Gordon, 1999). Within 24 hours, a group of

“vigilantes”—mostly men from relatively affluent Anglo, Protestant families—with rifles in hand, forcibly removed the orphaned and vulnerable children, placed them in a hotel, and eventually redistributed them to Anglo families in the area (Gordon, 1999). At the request of the Catholic authorities, local courts held trials to determine the appropriateness of the original placements by the local priest. The courts ruled on the side of the “vigilantes,” and as a result, most of the Irish orphaned and vulnerable children remained with Anglo families, many of whom were involved in planning and carrying out their abduction (Gordon, 1999).

### **Social Constructions of the International History of Adoption**

In a review of transnational and transracial adoption, historian and feminist scholar Dubinsky (2010) identified three types of “symbolic” children that have emerged in the context of international adoption and as a result of emerging child rescue practices or the implementation of national policies or positioning regarding these practices. The National Baby, the Hybrid Baby, and the Missing Baby are all relevant to the case study research. While these categories were developed with largely anecdotal evidence and without the benefit of research with those affected (e.g., interview research), the categories are useful for framing the problem.

**National Baby.** Dubinsky (2010) has referred to the National Baby as a construction for the “babies of the Cold War,” a term used during child rescue evacuations from Cuba but not applicable only to this situation. The “Operation Peter Pan” involved more than 14,000 unaccompanied Cuban minors sent to Miami between 1961 and 1964 after birth parents were motivated to send their children based on rumors that their children were going to be sent to the Soviet Union for indoctrination (Dubinsky, 2010). This large evacuation was mostly organized by the Catholic Church in Cuba with the support of U.S. government agencies and anti-Castro forces; children reportedly ended up in various parts of Florida, including naval bases in Opa-

Locka, institutions in Toledo, and camps in Jacksonville (Dubinsky, 2010). The “Peter Pan” sentiment resurfaced in 2000 over the custody and immigration status of 6-year-old Elián González after his mother drowned while trying to leave Cuba for the United States by boat. Elián was rescued and placed by U.S. immigration authorities with relatives in Miami; the child was eventually reunited with his father, still in Cuba, who had demanded his return (Dubinsky, 2010). The highly publicized event further underscored the National Baby symbolism, which Dubinsky asserts can be traced back to the 1937 Spanish War when forces of Franco’s Nationalists bombed Durango and Guernica, evacuating nearly 20,000 children.

**Hybrid Baby.** According to Dubinsky (2010), the Hybrid Baby originated in the wake of a wave of interracial adoptions in post-World War II Canada. The actual number of these interracial adoptions, mostly of Black children by White couples, was rather small, numbering 400 to 600 per year at most. Nonetheless, this movement challenged existing biases throughout North America against cross-racial placement. This Canadian policy was an object of great pride internationally, and Martin Luther King, Jr., supported it as a model to follow in the United States, even though at the time the “hybrid children” of aboriginal origin were not cherished as civil rights symbols in Canada (Dubinsky, 2010). The Hybrid Baby is not exclusive to Canadian history but can be applied to children of multiracial origins adopted anywhere in the world and to children of a particular race, such as Black, Native, or Asian, raised by parents of another race, in most cases White individuals and couples (Dubinsky, 2010).

**Missing Child.** Dubinsky (2010) referred to the Missing Child when recalling the history of kidnapping and child snatching during civil wars, natural disasters, and other circumstances of social and political upheaval in Guatemala, El Salvador, Honduras, Colombia, Paraguay, and Venezuela in Latin America, as well as Vietnam, Cambodia, Sri Lanka, and Pakistan in Asia. In

those nations, during those times of upheaval, many children were forcibly separated from their families; some were adopted domestically or internationally, while others joined the thousands of “disappeared,” most of whom are still unfound. The Missing Child is also used in reference to countries with high rates of abandonment, such as China and Romania, and those with established child trafficking networks, such as Poland, Russia, Ukraine, Hungary, and Georgia, where children “go missing” as a result of child stealing and snatching (Dubinsky, 2010).

Dubinsky’s work has been characterized as “meticulously researched” with extensive interviewing of Cubans in Cuba and the United States, and the comprehensive review of adoption files in the investigation of transracial adoption in Canada; however, “for the Guatemala section, the author relied primarily on newspaper accounts, combined with shorter in-country visits” (Gibbons, 2011, p. 3). Dubinsky’s construction of the Missing Child has direct relevance to the history of child abduction during the war in Guatemala, but the other two constructions are also relevant to that history. Guatemalan Mayan girls were mostly adopted by Western fair-skinned couples; some adoptions suspected to be illegal have become “paradigmatic” cases (CICIG, 2010) in similar ways to those Dubinsky relates as symbols. During prior ethnography, the researcher learned from the Fundación Sobrevivientes and extensive media coverage about a Guatemalan District Court which acting on behalf of the nation’s Supreme Court issued a resolution nullifying the adoption of a child adopted by a U.S. adoptive family—this case has the potential to illustrate Dubinsky’s constructions.

### **Child Abduction for Intercountry Adoption**

**Child abduction in the HCIA.** Article 1 of the HCIA stresses the importance of establishing a system of cooperation to ensure adequate safeguards to prevent child abduction, sale, and trafficking (HCCH, 1993a, p. 1). An HCCH (1993b) explanatory report on the enacted

HCIA clarifies that this is only an indirect way of preventing the abduction, sale, or trafficking of children, “because it is expected that the observance of the Convention's rules will bring about the avoidance of such abuses” (p. 11). Although the HCIA does not define child abduction per se, its practice guide (HCCH, 2008b) defines several relevant terms. For instance, the term *illegal adoption* is defined as “an adoption resulting from abuses, such as abduction, the sale of, traffic in, and other illegal or illicit activities against children” (HCCH, 2008b, p. 16).

The HCIA Guide to Good Practice also points to the origins of child abduction and ways to prevent it. The Guide states that while “the abduction or sale of a child could occur as a single or unrelated event, it “is likely to be done as a systematic organized operation” (HCCH, 2005, p. 18). The Guide also encourages states to implement measures to combat these illegal practices and promotes collaboration between countries to enforce such measures (HCCH, 2005, 2008b). Furthermore, the Guide stresses that “as a matter of public policy, adoptions procured through abduction of children should not be recognized,” and adds that to “achieve this aim [of preventing the abduction, sale and trafficking of children], and to suppress improper financial gain and promote the best interests of the child, it is critical that Central Authority staff possess the highest ethical standards” (HCCH, 2005, p. 18).

The Guide establishes that combating child abduction and trafficking should be considered an integral part of the HCIA and should be part of each signatory country's implementation plan (HCCH, 2008b). To that end, the Guide recommends the development of formal criteria for entry into care, even though they can be challenging to implement in cases of child abandonment (HCCH, 2005, 2008b). The Guide also encourages DNA testing of children being considered for adoption and their identified birth parent(s) to establish maternity or paternity, particularly if there is “convincing evidence” of child abduction or trafficking and if



these practices are widespread and uncontrolled in the country of origin (HCCH, 2005, 2008b). In sum, the extensive HCIA-related documentation contains sufficient guidance on preventing child abduction in the subscribing nations.

**Child trafficking as what follows child abduction.** Abduction is one of the means to child trafficking as per the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (United Nations, 2000b), which supplements the United Nations Convention against Transnational Organized Crime (United Nations, 2000a). Article 3 of that Protocol defines human trafficking as the “recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation” (United Nations, 2000b, p. 2). In the HCIA Guide to Good Practice, trafficking in the context of intercountry adoption “refers to the payment of money or other compensation to facilitate the illegal movement of children for the purposes of illegal adoption or other forms of exploitation” (HCCH, 2008b, p. 33).

Bromfield and Rotabi (2012) analyzed attempted abduction, trafficking, and exploitation of children following the 2010 earthquake in Haiti and determined that this case falls under the UN definition of trafficking. The authors concluded that sexual or forced labor exploitation, slavery, and organ removal would not pertain to cases in which children are removed from a country illegally for intercountry adoption. They argue that the other parts of the definition of trafficking could be applied to cases of fraudulent adoptions in which child abduction is often involved, specifically force, fraud, and coercion (Bromfield & Rotabi, 2012).

The idea of exploitation in intercountry adoption tends to get diffused because what is observed is that “children typically become middle- to upper-class citizens of industrialized nations, with far greater opportunities and markedly improved health and well-being outcomes than they may have had otherwise” (Bromfield & Rotabi, 2011, p. 14). Many references are found in the intercountry adoption literature related to child sales, child laundering, and child trafficking for intercountry adoption (e.g., Bhargava, 2005; Bos, 2007; Rotabi & Bunkers, 2008; Rotabi & Gibbons, 2012; Rotabi & Morris, 2007; Rotabi et al., 2008; Smolin 2005a, 2006), as well as surrogacy (Baslington, 2002; Chang, 2009; Rotabi, K. S., & Bromfield, 2012), as “loophole” of intercountry adoption regulations.

**Child Abduction in Guatemala.** Insufficient safeguards, a weak protective and welfare system, and lack of transparency in the adoption process were especially evident in pre-reform Guatemala (e.g., Brown, 2009; Bunkers et al., 2009; Casa Alianza et al., 2007; Gibbons et al., 2009; Rotabi & Morris, 2007; Rotabi et al., 2010; Rotabi, 2012b). Many of the stories of abduction and selling of children in Guatemala have been linked to low socioeconomic status, intra- or extra-family coercion, and similar factors (Rotabi & Gibbons, 2012). Because of a variety of factors, including the intersection with organized crime (CIC IG, 2010), child abduction for intercountry adoption has not been a focus of empirically based research.

The most current and comprehensive information on child abduction in Guatemala is contained in the CICIG (2010) report on illegal adoption in that nation, which has been referenced throughout this proposal. This UN-sponsored institution found evidence of irregular and illegal adoptions, and serious problems remain in the framework of the new law. During the transition period, “illegal networks were engaged in trafficking for purposes of irregular adoption. These networks are made up, among others, of snatchers (‘jaladoras’) who kidnap or

‘buy’ children from their birth mothers. In some cases, they threaten, coerce or deceive the mothers into giving their children up for adoption” (CICIG, 2010, p. 7). According to the same report, these networks were composed of public officials, lawyers, adoption agencies, health personnel, and other public and private service entities and individuals who were forging identity documents and producing false DNA results.

The extensive investigation CICIG (2010) conducted also found evidence of the participation of members of state institutions in these irregular adoptions, such as “child laundering” activities by the Court for Children and Adolescents, which declared stolen and sold children as “abandoned” in order to begin the adoption process. The report emphasized that “this is possible because neither the judges nor the PGN [former Central Authority] order[ed] investigations to determine the background or try to locate the allegedly abandoned child’s biological family” (p. 8). It recommended a variety of institutional reforms and administrative measures that should be taken in Guatemala before reinitiating intercountry adoptions.

As discussed earlier, the history of adoptions in Guatemala begins with the “missing” children during the period of its civil war (CICIG, 2010; Dubinsky, 2010; REMHI, 1999; Sanford, 2003). The more recent history of adoptions in Guatemala, particularly of intercountry adoptions, is situated in a complex postconflict environment (Rotabi et al., 2008); widespread child trafficking (Rivera Meza, 2010; Smolin, 2010); and pervasive and intersectional violence against women (Muñoz Cabrera, 2010), as reflected in that country’s high rate of feminicides, rapes, and other acts of violence against women (Costantino, 2006; Fundación Sobrevivientes, 2009; Sanford, 2008). This is further complicated by a culture of impunity, a lack of law enforcement, and ultimately a failure to prosecute the perpetrators of these violent acts (CICIG, 2010; Costantino, 2006).

The future of adoptions and intercountry adoptions, in particular in Guatemala, is unknown and is a fertile area for future research. The new system is still being set in place as the HCIA is implemented in Guatemala. This case study research captured some retrospective and prospective elements of this history from the perspective of three Guatemalan women reporting child abduction and whose children were subsequently reported to have been adopted internationally.

### **Experiences of Birth Mothers**

Research on birth mothers' experience of relinquishment of their children to adoption is limited (Davis, 1994; Weinreb & Konstam, 1995; Wiley & Baden, 2005), and research on international birth families or birth families in sending nations involved in intercountry adoption is scarce, given that this topic is almost unexplored and extremely sensitive (Bos, 2007; Rotabi & Bunkers, 2011; Rotabi & Gibbons, 2012). This section reviews the literature relevant to both groups and provides insight for interviewing the Guatemalan mothers who reported having their children abducted for intercountry adoption.

### **Experience of Child Relinquishment**

Some have estimated that 10 million women in the United States have surrendered their children for adoption (Day, 1994). Fessler (2006) documented the experience of 100 U.S. birth mothers who relinquished their children for adoption between 1945 and 1973, when the *Roe v. Wade* Supreme Court decision legalized abortion in the United States. During an era in which reproductive education and contraception were extremely limited and often unavailable entirely, rates of premarital pregnancy “exploded” and many young unwed mothers were secretly placed into special homes to give birth and ultimately relinquish their babies for adoption. Birth mothers interviewed reported that feelings of shame, guilt, regret, doubt, anger, and helplessness followed

the relinquishment of their children, which was surrounded by a pervasive environment of secrecy, deceit, denial, blame, and uncertainty (Fessler, 2006).

These birth mothers, most of whom had been quite young when they relinquished, expressed feeling that they had no choice but to surrender their children; since unmarried mothers were generally shunned by the birthfathers, their own families, and the community at large, they felt surrendering was “what society demanded” (Fessler, 2006, p. 13). After the *Roe v. Wade* decision increased access to and acceptance of birth control, U.S. women began to have fewer children (Collison, 2007), and adoption placements among unmarried women in the United States dropped to 3% of Caucasian and less than 2% of African American unmarried mothers in the late 1990s, down from 32% in the mid-1960s (Christian, McRoy, Grotevant, & Bryant, 1997).

Many relinquishing birth mothers regret having given their children for adoption and blame the “secrecy” surrounding the relinquishment as a contributing factor to the unresolved grief they feel (De Simone, 1996). A study of relinquishing mothers found that these women experienced numbness, suppressed grief, deep longing, and self-diminishing feelings both at the time of relinquishment and years later; instead of celebrating a birth, they had experienced something more closely resembling a death (Day, 1994). For these women, closure regarding the loss of their child has been delayed since “mourning rituals and overt expressions of grief and bereavement [were] discouraged” by family and societal pressures (Day, 1994, p. 64). Other studies confirm these findings (De Simone, 1996; Weinreb & Konstam, 1995).

Roby and Matsumara (2002) studied adoption practices to formulate policy recommendations in the Marshall Islands, at the request of its government; this was soon after a moratorium on adoptions was lifted lasting from September 1999 to December 2000. Before the

moratorium, that nation did not have adoption regulations and illegal practices had become widespread; these included public solicitation for children, lack of legal representation available to birth families, and coercive and deceptive means of adoption. Roby and Matsumara (2002) interviewed a nonrandom sample of 73 birth mothers using a 64-item questionnaire and found that influential factors in adoption included “extreme poverty, the breakdown of traditional family support systems, and the exploitation of the cultural understanding of adoptions”(p. 7).

Bos’s (2007) extensive ethnographic study comprising 56 interviews of 36 mothers in the Tamil Region of India found that those birth mothers who relinquished children reported various forms of coercion, some more direct than others. Poverty was a predominant factor, and consistently birth mothers did not truly understand the permanent nature of adoption given the culture of traditional society family life. This was also a finding of a study Roby and Matsumura (2002) conducted involving 73 birth mothers from the Marshall Islands. Bhargava’s (2005) policy analysis of the HCIA implementation in India confirms child sales and abduction in that nation, ranging from coercion of birth mothers to forcible child abduction from public spaces such as train stations. Högbäck’s (2012) study of 32 Black South African (and some Zimbabwean) relinquishing mothers also felt varying degrees of coercion; however, forcible child abduction was not a theme in the qualitative analysis. Confusion about the permanency of intercountry adoption emerged as a theme in this study, confirming that women who relinquish their children in low-resource nations may misunderstand the nature of adoption.

### **A Special Type of Loss: Ambiguous Loss**

Ambiguous loss, or a loss that remains unclear, is relevant to kidnapping and adoption (Boss, 2007); thus, it is highly relevant to the topic under study. Ambiguous loss (traumatic, unclear loss) emerges under certain circumstances and is categorized into two types: (a) physical

absence with psychological presence or “leaving without a good-bye,” such as in the case of war and kidnapping, as well as adoption; and (b) psychological absence with physical presence or a “good-bye without leaving,” such as in the case of dementia and Alzheimer’s disease (Boss, 1999, 2007). Both types of loss result in unresolved grief as well as ambivalence regarding roles and identity within the family system (Boss, 1999) and confusion about family boundaries (Abrams, 2001).

Ambiguous loss can lead to posttraumatic stress disorder and other trauma symptoms (Boss, 2010). Stigma, shame, secrecy, and isolation, which often surround scenarios of ambiguous loss, tend to aggravate the symptoms and further impair functioning (Abrams, 2001). Research on ambiguous loss shows that under such circumstances, closure is impossible (Boss, 2007), as this kind of loss results in unresolved grief and confused relationships, which are engendered externally (Abrams, 2001; Boss, 2010).

Ambiguous loss is experienced not only at the individual level but “the family of a child who has been kidnapped may endure for years not knowing if that missing child will ever return. The natural progression of their lives stops the day the child is abducted” (Betz & Thorngren, 2006, p. 360). In the case of a missing or abducted child, the family may function as if the child is still with them since the child is physically absent but psychologically present (Betz & Thorngren, 2006). A member of the U.S. State Department Study Group on Intercountry Adoptions from 1990 to 1994 (Carlson, 2010) identified two cases in which parental loss is of true concern in the adoption system; first, in the case in which relinquishment is not voluntary and is due to corruption involving local systems or practices of adoption, and second, when the relinquishment, although “voluntary,” may be due to the economic distress of the birth family.

## **Search and Reunion and Grief Resolution**

Studies on U.S. birth mothers who are searching for their relinquished children have indicated that most of these women fall into one of several categories: they had either maintained contact with their children in postplacement (in the case of open adoption); had thought about or planned to initiate a search; had engaged in a search process; had established contact with their birth children; or were already involved in the birth child's life (Ayers-Lopez et al., 2008; Weinreb & Konstam, 1995). For these birth mothers, reunion has brought some amount of grief resolution, and they have been able to experience some closure to the loss felt regardless of the nature of the original adoption scenario—confidential, time-limited mediated, ongoing mediated, or fully disclosed adoption (Ayers-Lopez et al., 2008; Christian et al., 1997).

In the context of intercountry adoption, “reunions are attempted and arranged across the barriers of oceans, cultures, and language,” and “the continuing psychological link to the birth family is closely related to the continuing link to the birth nation” (Smolin, 2005a, p. 285). Mónico and Rotabi (2012) assert that even in the case of children who forcibly “disappeared” during the civil war in El Salvador, family search and reunion has become part of the healing process. The search and reunion Mónico and Rotabi (2012) studied is carried out by Pro-Búsqueda, an NGO engaged in political advocacy, investigations, and the search and reunion process for children abducted during the civil war, many of whom ended up being illegally adopted domestically and internationally. Focused on finding “missing” children, the reunion process attends to the grief and loss issues, which are profound in the case of child abduction for adoption; thus, the Pro-Búsqueda intervention meets the needs of war-torn families and communities (Mónico & Rotabi, 2012).



## **Experience of Guatemalan Birth Mothers and Their Families**

As indicated in the introduction to this section, research on birth families in the context of international adoption is limited (Rotabi & Bunkers, 2011; Rotabi & Gibbons, 2012). The literature review suggests that poverty among birth mothers and their families has played a role in child relinquishment, and that the sale of children, fraud, deceit, and more open forms of child abduction such as child kidnapping have occurred in Guatemala. Although the sale of children may not involve the use of physical force, it cannot be considered “voluntary” given that often it involves corruption and economic distress (Carlson, 2010).

Participants in a qualitative study of 16 Guatemalan foster parents who were interviewed about their experiences with intercountry adoption (Gibbons et al., 2009) asserted that poverty was the main reason birth mothers relinquished their children. Bunkers et al. (2009) refer to the 2000 report by the United Nations Economic and Social Council Commission on Human Rights, which claims that lax regulations in Guatemala, combined with strong financial incentives to promote intercountry adoption in that nation, resulted in the coercion and bribery of mostly young, poor, rural women, and has included the falsification of documents and child abduction. However, the report used anecdotal evidence and was produced from interviewing key informants.

In sum, the reviewed academic literature and “gray literature,” such as official government and technical reports, white policy papers produced by NGOs and international organizations, and preprinted articles, make important conclusions for policy on intercountry adoption and practice related to the mothers and families involved in it. However, many of those conclusions are based on informal interviews and policy analysis, such as review of regulations and other policy documents, and the nature of the inferred arguments and constructions is far

from being empirical research. As example, Bunkers et al.'s (2009) review of international adoption and child protection in that nation concluded that "there is strong evidence that the indigenous Mayan communities care for abandoned, orphaned or at-risk children within the extended community, [and] there is also evidence that indigenous women [voluntarily] relinquish their children for international adoption" (p. 652), although until this study, no empirical research with birth mothers has ever been done in Guatemala.

Anecdotal evidence on child abduction in Guatemala is available in the academic literature and in numerous media outlets, and many relevant assumptions have been made, but no in-depth studies have been conducted about women subjected to child abduction and the subsequent trafficking of their children for intercountry adoption. These women's experiences, their thoughts, feelings and opinions, need to be examined in a systematic and objective way. Gaining a greater cultural understanding of birth families' notions about family and adoption is a way of learning more about birth mothers' and birth families' motivations for relinquishment and their experience with child abduction (Rotabi & Gibbons, 2012).

Reviewed literature often emphasized policy analysis, and the ideological perspectives of authors guided the discourse—exemplified in Bartholet and Smolin's (2012) study focusing on the promotion, reforming, or abolishing of intercountry adoption. Globally, empirical literature focusing on the experiences of mothers who interfaced with intercountry adoption systems has been limited to the aforementioned studies in the Marshall Islands, southern India, and South Africa. All of these country studies exemplify empirical rigor using qualitative methods; thus, this limited evidence has been integrated into the research design.

## **Emerging Themes from the Participants' Experience: Oppression, Adaptation, and Resilience**

Issues of oppression, adaptation, and resilience emerged from the stories of the mothers in this study, becoming an essential part of the case study research and of this literature review. Child abduction in sending countries is not just an act of violence; it is enacted within oppressive systems. These systems included (a) the systemic and pervasive violence against women and mothers whose children were stolen (Fundación Sobrevivientes, 2009); (b) violence against families and communities, when children were forcibly separated through child abduction and fraudulent adoption (REMHI, 1999), and (c) violence against the families and the culture of origin, as families in developed countries exploit families in underdeveloped countries through intercountry adoption (Hermann & Kasper, 1992; Ngabonziza, 2001).

Gil defines oppression as “a mode of human relations involving domination and exploitation—economic, social, and psychologic—between individuals; between social groups and classes within and beyond societies; and globally, between entire societies” (Gil, 1998, p. 10). Race-based violence and oppression are experienced through shared experience and across generations (Tummala-Narra, 2007). For instance, children of indigenous origin have been mostly affected by irregular adoptions, because the majority of children adopted internationally are believed to come from this population (Bunkers et al., 2009). As a result, “trauma that occurs in the context of social upheaval can create discontinuity and unpredictability both on an individual and community level [and across generations]” (Tummala-Narra, 2007, p. 41). Furthermore, Central American women “have faced enormous fear and terror due not only to the violence directed at them, but also to the impunity of perpetrators” (Radan, 2007, p. 150). Guatemala, in particular, is a society characterized by oppression with contemporary global

dynamics intertwined with the longest war in the Americas and a recognized history of colonialism.

Adaptive capacities, particularly to overcome traumatic experiences such as the abduction of one's child, depend upon life circumstances and the developmental stage of the individual; in fact, "it remains unclear as to how intra- and inter-racial and ethnic differences might contribute to trauma recovery and/or to expressions of resilience in the aftermath of trauma" (Tummala-Narra, 2007, p. 36). Furthermore, "adaptation can involve the coexistence of two or more dissonant parts of one's experience. . . . While these experiences of shifting from one world to the other can cause deep anguish and confusion, they can also be a source of resilience" (Tummala-Narra, 2007, p. 44)

Resilience is defined as the "capacity to rebound from adversity strengthened and more resourceful. It is an active process of endurance, self-righting, and growth in response to crisis and challenges. . . . Resilience entails more than merely surviving. . . . Survivors are not necessarily resilient; some become trapped in the position as victims" (Walsh, 2006, p. 4). From an ecological perspective, resilience becomes a "contextual variable" (Harney, 2007, p. 76). Resilience has global features, but it varies because it is both context-dependent and culturally embedded, and different social aspects exert different levels of influence on individuals with different tensions (Ungar, 2008).

Modern resilience theory examines this perspective with a focus on children. The resilience theory claims that "protective factors for children include: one person who values and respects the child; contribution to the community; development of spirituality and identity, development of a talent or skill; and contribution to one's community" (Laurence, Sehdev, Whitley, Stéphane, & Isaac, 2009, p. 79). This theory provides for opportunities to "reconcile"

less resource-driven communities, for example, indigenous groups, and higher resource-driven Western bodies of knowledge. From a cross-cultural perspective, resilience involves “the examination of multiple phenomena, including individual development, community impact, and cultural systems of thought” (Tummala-Narra, 2007, p. 36). Although communities can serve as sources of resilience support, they can also be a source of distress, and traumatic events can disrupt existing networks of support and access by individuals (Tummala-Narra, 2007).

Societies with a collectivistic orientation, such as Guatemala, experience a greater interdependence of self and other; thus the need to affirm relationships with family and community, including the support of religious institutions (Tummala-Narra, 2007). However, little research has been conducted on the influence of collectivist, cultural systems on the ability of individuals to respond to trauma, but in these societies “a sense of shared efficacy, or communal-mastery, may be more central to people’s resiliency in the face of stress and adversity” (Tummala-Narra, 2007, p. 38). Under conditions of social and political oppression, collective resilience, which is defined as the “construction of coping processes within a particular social and political context,” serves for building trust while “shared experience of hope within a community for a better future mobilizes individuals and groups to endure and often recover from the effects of traumatic experiences” (Tummala-Narra, 2007, p. 46).

A comparison of the Canadian Aboriginal peoples’ experience with that of Holocaust survivors, given the “significant ongoing oppression embedded in every-day routines and circumstances [in the practices of dislocation and systematic adoption by Canadian families of European origin], including poverty, unemployment, discrimination, and health issues” (as cited in Laurence et al., 2009, p. 80). The experiences of both holocaust survivors and the Canadian Aboriginal peoples have multiple commonalities with the experience of Mayan communities in

Guatemala prior, during, and after the civil war. The repression and oppression this community has endured since colonial times is considered by international standards and by Guatemalan scholars as genocide and a violent assault on their cultural and social identity and well-being (Costantino, 2006; Rotabi et. al, 2008; Sanford, 2008; United Nations, 1948b). The literature confirms that multiple interventions are necessary to cultivate resilience among victims of trauma (Harney, 2007).

### **Implications for Research Design: Working Hypotheses**

This review has confirmed that most professional literature has been focused on receiving countries, and limited research has been done in sending countries (Roby & Matsumara, 2002); this case study research aims to fill this gap, particularly as it relates to Guatemala. A working definition of child abduction has also been inferred as part of the emerging design in the formulation of the research question (at the end of this chapter) and the interview protocol (Appendix A). In addition, a set of working hypotheses emerged from the literature review. Both, the working definition and the working hypotheses on child abduction presented below, were discussed with the research participants during member checking and revised accordingly.

**Working definition of child abduction.** The main hypothesis of this dissertation is that a working definition about child abduction can be articulated and defined with the participants and through this research. The literature review informed the researcher's drafting of a working definition on child abduction, with at least one or more of the categories listed below. These categories were discussed with the participants during the first wave of the member checking, confirmed and enunciated by them with language from their own experience (underlined words). Thus, the participants' understanding of child abduction is reflected in each of these categories.

1. Child theft: Use of force to remove a child unlawfully, kidnapping, or stealing, and

subsequent commodification or selling of children that occurs openly against the will of the birth mother, birth parents, family, and community of origin (Herrmann, 2010; Meier, 2008);

2. Deception: Lack of fully informed consent on the part of the birth mother throughout the relinquishment process, up to and including the time at which parental rights are legally terminated (HCCH, 1993a, 1993b, 2008a);
3. Force: Intra- and extra-family coercion exerted on birth mothers and families of origin to induce relinquishment of the child for any reason (HCCH 2008a); and
4. Fraude: Any legal, judicial, administrative, political, cultural, or socioeconomic fraud or deception of birth mothers, such as offering payment or compensation, that leads to the forced separation or relinquishment of their children (HCCH, 1993a, 2008a; Smolin, 2007).

For the purposes of this research, the use of any of the abuses listed above resulting in the forced removal or separation of a child from his or her birth parents without the parents' knowledge and proper consent was considered child abduction. Any formal or informal child relinquishment involving such abuses was considered forced relinquishment and child abduction. These working hypotheses informed the formulation of constructivist research process throughout. The research participants characterized the first component as child "theft" (in Spanish, *robo*), the second component as "deceit" (*engaño*), the third component as "force" (*por la fuerza*), and the fourth component as "fraud" (*fraude*). In member checking, the participants confirmed that although their cases fell mostly within the first category, these had some elements of the other categories.

**Other working hypotheses on child abduction.** Like the working definition on child abduction, other working hypotheses emerged from the literature review and were discussed with the research participants during member checking. This discussion enabled the researcher to cluster these other hypotheses into four broad areas relevant to the operationalization of the definition on child abduction: (1) those relevant to the intercountry adoption system (numbered 1 through 4 below); (2) those relevant to HCIA principles and mandates (4 through 6); (3) those relevant to HCIA implementation (8 through 11); and (4) those relevant to health concerns emerging from child abduction (12 and 13).

Child abduction has been found to have many aspects and effects:

1. To be not a single abduction event but the result of *systematic, organized operations*, in most cases (Casa Alianza et al., 2007; CICIG, 2010);
2. To generate improper *financial gains* and promotes *baby selling* (HCCH, 2007b; HCCH, 2008b);
3. To constitute part of the *chain of international child trafficking* (CICIG, 2010);
4. To point to the *government's inability to prosecute and penalize* those involved in illegal adoptions and child trafficking (CICIG, 2010);
5. To make it impossible to apply the *best interest of the child*, which is *paramount* to intercountry adoption (HCCH, 1993b);
6. To prevent due diligence in the application of the *principle of subsidiarity*, which should be considered only when all other in-country options of permanency have been considered (HCCH, 1993a), , including the search for biological families;
7. To have been used in some *illegal adoptions* in Guatemala (CICIG, 2010), and elsewhere (Bharghava, 2005; Bos, 2007);



8. To *threaten the ethical standards to which the Central Authorities* and the accredited agencies in HCIA-subscribing countries, who hold positions of accountability in ethical and transparent practices (HCCH, 2008b), adhere;
9. To *complicate and delay the process of determination of adoptability*, particularly the confirmation and location of the child's biological parents (HCCH, 2008b); this has happened in the case of abducted children who had their identities laundered and their presumed parents relinquished them for guardianship to a third party before the illegal adoption took place—this has been the case of the mothers in this study;
10. To *undermine the due process of legitimate intercountry adoptions*, which involve, for example, obtaining the informed consent from birth parents (HCCH, 2008b);
11. To *challenge the ability of making the determination of adoptability* of a child in instances of child abandonment (HCCH, 2008b);
12. To have a *profound effect on the feelings of grief mothers experience* with the loss of their children through abduction (regardless of whether the child was actually abducted or only perceived to be) (Boss, 2007, 2010); and to
13. To *require recognition and meaning for grief resolution* to take place among birth families who have lost a child to abduction (Boss, 2007, 2010).

These working hypotheses inferred from the preliminary literature review had important implications for research design. Thus, they were taken into consideration in developing the research approach and in drafting the research questions (Appendix A). They were used to guide data collection and data analysis during and after the interview process and were also discussed with the participants during the grand member checking. A discussion of these working hypotheses is included in Chapter 5.

### **Research Question**

As enunciated in Chapter 1, the research question was twofold: *What is the meaning of child abduction for intercountry adoption in the context of the implementation of the HCIA in Guatemala? What is the lived experience of Guatemalan mothers who publically report that their children were abducted for intercountry adoption?*

### **Chapter 3: Methodology**

Chapter 3 focuses on the research methodology. It defines the project's scope and boundaries, introduces the research participants, and outlines the research plan. This chapter also explains how rigor will be applied to the investigation. Finally, it discusses several considerations about working with human subjects, especially in an international, transcultural, and bilingual context.

#### **Planning the Research**

Research in the interpretive paradigm does not involve a conventional, fixed design, because this kind of research requires “planning for certain broad contingencies without . . . indicating exactly what will be done in relation to each” (Lincoln & Guba, 1985, p. 226). The successive phases of the inquiry, instrumentation of the inquiry, and other planning elements are presented in the following sections.

#### **Phases of the Constructivist Inquiry**

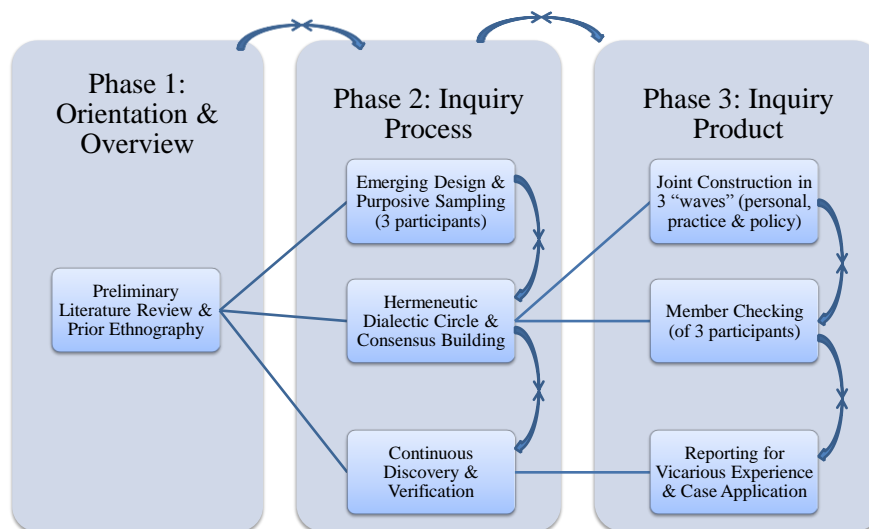
As indicated in the introduction (Chapter 1), the case study research involved the development of three phases in the investigation. The research question and the working hypotheses were derived from the first phase of the constructivist inquiry, *the orientation and overview* of the inquiry or the “entry condition” (Guba & Lincoln, 1989; Lincoln & Guba, 1985; Rodwell, 1998), which the researcher completed prior to dissertation proposal defense. The other two phases of the constructivist inquiry involved the *inquiry process*, and *inquiry product* (Guba & Lincoln, 1989; Lincoln & Guba, 1985; Rodwell, 1998).

The first phase of the constructivist inquiry involved the identification of a natural setting (Guatemala), which demanded a human instrument (researcher), who built on tacit knowledge (the researcher's), which is “all that we know minus all we can say” (Guba & Lincoln, 1989, p.

176). This phase also included the selection of qualitative methods to be used for the inquiry, which should be consistent with the constructivist paradigm. The preparatory work the researcher conducted in this phase also included a systematic analysis of the existing literature (Guba & Lincoln, 1989; Lincoln & Guba, 1985; Rodwell, 1998); in this case on intercountry adoption, child abduction, and birth mothers, which is contained in Chapter 2. The second phase involved selecting a sample of participants with purpose, called purposive sampling, and drawing generalizations from the data collected through inductive data analysis (Guba & Lincoln, 1989; Lincoln & Guba, 1985; Rodwell, 1998). Grounding the findings through “grounded theory” and using an emergent design, the “created realities” (constructions) of the participants emerge in the process (Guba & Lincoln, 1989; Lincoln & Guba, 1985; Rodwell, 1998). In this hermeneutic dialectic process, participants cycle and recycle constructions and consensus is reached through a “joint construction” emerging from the hermeneutic dialectic process (a dialogue between the researcher and participants), until achieving redundancy (no additional knowledge is acquired) (Guba & Lincoln, 1989; Lincoln & Guba, 1985; Rodwell, 1998). The inputs of research constitute the main source of constructivist data analysis, while the process enables them to be educated and empowered through the consideration of their multiple constructions leading to case reporting (Guba & Lincoln, 1989; Lincoln & Guba, 1985; Rodwell, 1998).

The third phase involved obtaining outcomes that were negotiated between those involved in the research (negotiated outcomes) leading to a case report that was ideographically interpreted (through graphic symbols of emerging ideas) and drawn and applied for a vicarious experience (of the case studied) (Guba & Lincoln, 1989; Lincoln & Guba, 1985; Rodwell, 1998). Figure 3 below shows a logic map of the research process, as conducted. Phase one is explained below. Phases two and three are contained in the rest of the sections in this chapter.

**Figure 3. Logic Map of Constructivist Research on Child Abduction in Guatemala (\*)**



(\*) Based on methodologies proposed in *Naturalistic Inquiry* (Lincoln & Guba, 1985, p. 188), *Fourth Generation Evaluation* (Guba & Lincoln, 1989, p. 174), and *Social Work Constructivist Research* (Rodwell, 1998, p. 53).

### Emerging Design and Prior Ethnography

The researcher began the emerging design of the constructivist inquiry prior to defending her dissertation proposal through the enactment of the first phase as defined in Guba and Lincoln (1989), Lincoln and Guba (1985) and Rodwell (1998). An emerging design in the constructivist paradigm does not imply starting an investigation “empty-handed” or “empty-headed” (Lincoln & Guba, 1985, p. 209). The prior knowledge of the researcher was integrated into the “etic (outsider) construction” in the process of generating joint constructions (Guba & Lincoln, 1989, p. 212). Rodwell (1998) asserts that prior knowledge in constructivist inquiry “comes from a thorough review of the literature, determining the focus of the inquiry. . . [and carrying out] prior ethnography” (p. 55). Constructivist investigators often use a theory grounded in prior studies and have a great deal of tacit knowledge (Guba & Lincoln, 1989; Lincoln & Guba, 1985; Rodwell, 1998).

The researcher drew from her tacit knowledge, including her particular cultural background, her academic knowledge gained from the literature review, and her past training in qualitative methods. For instance, the researcher, a native of Central America who is now a U.S. citizen, embraces several co-existing cultures in her native El Salvador and her home country, the United States. The researcher remains a *circular* or nonlinear thinker, which is characteristic of people of non-Western background. She is influenced by unorthodox ways of thinking and by her multidisciplinary academic and professional training in a wide range of fields (e.g., economics, management, public policy, and social work).

Prior to her prolonged engagement in Guatemala, the researcher had traveled extensively to that postconflict country, more frequently in the 4 years prior, while still engaged in her master's and doctoral education. During her once- or twice-yearly visits to the region since 2007, the researcher met with key organizations working on intercountry adoption and issues of violence against women in Guatemala. She visited several nonprofit organizations providing institutional care and contacted several national universities. The prior contact with these institutions allowed the researcher to collect documentation, which she integrated into her literature review. She also established the initial rapport necessary to conduct the fieldwork, especially developing a strong and trustworthy relationship with the director and key staff of the Fundación Sobrevivientes.

By engaging with these and other advocates and the institutions with which they are affiliated, the researcher collected documentation critical for prior ethnography (Lincoln & Guba, 1985), particularly for the formulation of foreshadow questions, which are “those questions that guide beginning data collection” (Rodwell, 1998, p. 55)—see Appendix A for a list of interview questions. As part of her prior ethnography and using her life and work

experience, including her multicultural and multidisciplinary training, and with the support of her dissertation committee members and other academic experts, the researcher developed the study approach in an emergent manner. She selected the type of methodology (i.e., a qualitative, interpretive case study) and developed a study sample (i.e., the aforementioned mothers); both of these elements are detailed later in this chapter. The researcher concluded the final design phase of the interviews, which was about 2 months after arriving in Guatemala.

*Emergence* is “a research design that allows an orderly development of an inquiry based on what comes forth from the context and process without determining the structure and process beforehand” (Rodwell, 1998, p. 256). In fact, the researcher had conducted in-country prior ethnography in Guatemala since June 30, 2011, which was essential in writing the dissertation proposal. The researcher consulted national and international experts conducting research in Guatemala and learned more culturally appropriate language for conceptualizing and enunciating the case study research. She was instructed on the English-Spanish translation and interpretation of terms such as child abduction, and about the proper way to refer to women who have reported their children abducted (it is *mothers*, not *birth mothers*). She was also educated on the multiple roles that the selected population plays, as victims and survivors of violence (e.g., child abduction) and as self-advocates. From these conversations with local experts, the researcher changed her dissertation title, revised the working definition of child abduction, and developed the methodological approach presented in the next section.

### **Stakeholders in the Research Process**

The case study research involved a wide range of stakeholders: the researcher, the participants, the gatekeeper organization, two Guatemalan cultural consultants, the translation reviewer, a peer reviewer, and a number of other consulting experts, including the members of

the researcher's dissertation committee. The researcher was introduced in a previous section of this chapter, when discussing the emerging design and prior ethnography. The participants are introduced through a social, gender, and cultural profile contained in Chapter 4. This section introduces the other experts involved in accomplishing research rigor. The proper names of some of them have been omitted in order to protect their identities.

**The gatekeeper organization.** The Fundación Sobrevivientes (2011) is a nongovernmental, nonprofit organization, dedicated to providing legal representation services and psychosocial support to women whose rights have been violated, including the three mothers who participated in this study case. The Fundación Sobrevivientes (2009) is committed to "break the silence" about the violation of women's rights in Guatemala achieving supportive services to approximately 1,600 women who have decided to confront the violence they suffered, start a new life plan, and fight for an end to corruption and impunity. As indicated earlier, the Fundación Sobrevivientes has served as the gatekeeper organization in this study by providing feedback to the research design and questions; selecting the participants based on the sample characteristics enunciated earlier; contacting them and scheduling the interviews with the researcher; providing any additional psychological support to the participants resulting from their participation in the research, if needed; and providing complementary information and relevant documentation (except case files) as part of the triangulation process.

**Experts involved in research rigor.** The researcher worked with two cultural consultants for the development of the case study. One cultural consultant, a writer and researcher with experience in cultural and feminist research, worked with women who have been victims of violence in Guatemala and worked as part of IUMUSAC's research team. She assisted in furthering the researcher's interpretation of the meaning-making of the participants'



experience. She commented on the study during data collection and analysis, before, during, and after the interviews with the research participants. In particular, she contributed to greater understanding of the personal, family, and community in which participants operate and better understanding of the participants' roles as victims, survivors, and self-advocates in the search of their daughters. She has carefully reviewed all research materials, including transcripts (interview records), themes and categories emerging from the theoretical conceptualization and representation ideographic research upon completion, as well as other structures emerging in this report. This cultural consultant has been consulting the editor of a book analyzing the participation of women and their rights from the worldview of people of Mayan origin.

The other cultural consultant was a known expert in the field of child welfare and adoption in Guatemala before the adoptions were suspended in 2007. She held the position of executive director for a nongovernmental nonprofit organization that was instrumental in exerting public pressure for the adoption of the new adoption law in Guatemala. As this cultural consultant is fully bilingual (Spanish and English) and has a high level of bicultural competence in the field of child welfare and human rights, the researcher consulted her during the research design while developing the prior ethnography. Her major contribution was to contribute to a better understanding of the definition of child abduction applied to the case of Guatemala, and of the national context, particularly with regard to child protection regulations, which have been taken into account in the production of this report.

The academic exchange the researcher conducted with IUMUSA included the provision of advice on the development of her doctoral dissertation from the IUMUSAC team. The researcher presented the design and preliminary results of the investigation to these experts on gender and intercultural research. She received from them substantial contributions for the

development of the case study, including the analysis of the roles as victim, survivor, and self-advocates that were included in the design and construction of this emerging research and other consideration for gender-focused and intercultural research.

The translation reviewer, Dr. Jennifer Casolo, is a U.S. citizen who has lived in Central America for about half of her life, fully bilingual and bicultural, and who completed her dissertation research in Guatemala on the struggles of Ch'orti'-Maya peasants in Guatemala's eastern highlands. Her research was based on participant-action research and a regressive-progressive methodology, which drew on other insights from feminist studies, critical race studies, and human rights. She explored the legacies of colonial, liberal and civil war violence in the eastern highlands, in relation to post Peace-Accord democratic openings, *mayanization* movements, neoliberal multi-cultural governance and rural neoliberal development. Her research focused on the feminization and racialization of violence, silence and dispossession, and the articulation of a defense of Ch'orti' territory. She reviewed forward and backward translations of the data collected to attest to the accuracy of the translations of the research materials.

The peer reviewer, Dr. Justin Lee, lived in Guatemala on a voluntary service mission for 2 years; he returned later for 5 months as the director of a small inner-city orphanage in Guatemala City. During his prolonged engagements in Guatemala, Justin learned to speak fluent Spanish and was enriched by the experience of living immersed in a multilingual culture. He has been able to maintain his learned language skills by working in both clinical and research settings with people whose first language is Spanish. Since language is such a rich source of expression and meaning is created so distinctly in different communities and in cross-cultural settings, conducting and reviewing personal interviews and focus groups became an important part of his own research agenda. During his dissertation work, Justin had the opportunity to study

the experiences of immigrants and refugees, as they are similar and different from members of the dominant group, and learn how to accurately collect, interpret, and disseminate those findings, given his transcultural background.

Prior to serving as peer reviewer for this dissertation, Justin had served as auditor/peer reviewer in two other dissertations, one of which focused specifically on the relationship between distinct cultures and mental health-seeking behaviors among their members. Justin currently works as a Spanish language translator and focus group facilitator on a funded research project investigating information-seeking behavior of Latinos with type 2 diabetes. In the context of the current project, Justin has been aware of the study from the beginning. He has met consistently with the investigator throughout but has maintained a critical distance from the project in order to problem solve and critically reflect on the process and methodology. The researcher and peer reviewer communicated on a regular basis throughout the study in order for the peer reviewer to provide feedback, challenge the researcher, explore next steps, support the researcher, and listen to the researcher (Rodwell, 1998). Justin's role has been carried out consistent with the stated criteria, as reflected in the peer review report (Appendix D).

Other experts consulted include the members of the researcher's doctoral dissertation committee, who provided overall guidance and expertise for the development of this research, as described below. The first three are faculty of the School of Social Work at Virginia Commonwealth University. Dr. Karen Rotabi was the researcher's first doctoral dissertation chair and advisor, and continues to be the subject expert, although she now works as an assistant professor at the United Arab Emirates University. Dr. Rotabi is an expert in the field of intercountry adoptions and for 5 years served as a volunteer on the Council on Accreditation, which is the body responsible for accrediting adoption agencies in the United States for

international adoptions from contracting states of the Hague Convention. She is co-editor of *Intercountry Adoption: Policies, Practices and Results* (Gibbons & Rotabi, 2012) and author and co-author of numerous articles on the subject.

The current advisor and coordinator of the doctoral dissertation committee, Dr. Humberto Fabelo, has extensive knowledge and experience in the field of child welfare, relative to sexual abuse and adoption, particularly on attachment issues. He has applied multiple paradigms in research, conducted research internationally, and studied the Latino community in the United States. He is also a writer and co-writer of numerous articles on these topics.

The methodologist on the dissertation committee, Dr. Mary Katherine O'Connor, is an expert in the field of child welfare and in qualitative theory and methodology, particularly constructivism, on which she has written the book *Constructivist Construction in Social Work* (Rodwell, 1998). She was the researcher's advisor for consecutive years and has contributed substantially to the constructivist design and development of this research. Dr. Rosalie Corona is the "external member" (of the School of Social Work) of the dissertation committee. She is an expert in the field of health promotion among young people and their families, particularly African Americans and Latin Americans in the United States. As a member of the School of Psychology at VCU, this expert has conducted research engaging the community and using multidisciplinary perspectives, has done international work in Mexico, and has clinical and research experience on adoption. She has published extensively on her research topics.

One expert who has contributed substantially to this research is the psychologist Dr. Judith Gibbons, a professor at Saint Louis University. Although not formally a member of the dissertation committee, she has contributed significantly to this research with expertise in cross-cultural research and research experience in Guatemala, most recently through a Fulbright

scholarship. She is the co-editor of *Intercountry Adoption: Policies, Practices and Results* (Gibbons & Rotabi, 2012) and author of numerous articles on child development issues and the psychology of women.

### **Constructivist Inquiry: Research Design**

The researcher studied the experience of a vulnerable group who were affected by the evolution of intercountry adoption and the HCIA implementation in Guatemala: mothers who reported to authorities and the general public as having their children abducted for intercountry adoption. The design presented here was emergent and informed by the literature review and prior ethnography in which the researcher was engaged. Furthermore, the design was informed by the interview and member checking processes.

### **Case Sampling**

Sampling cases in qualitative inquiry research are drawn to serve a variety of purposes, and according to Patton can come in one or more of six types: purposive sampling (“serving some other purpose than representativeness and randomness”), maximum variation sampling (“provides the broadest scope of information”), extreme or deviant cases (out of the ordinary), typical cases (more commonly found), critical cases (of some critical importance), and politically important or sensitive cases (Guba & Lincoln, 1989, p. 178). The researcher used a combination of these sample types for the selection of research participants: maximum variation, extreme cases, sensitive cases, and purposive sampling.

The identified participants were three mothers who had publicly denounced child abduction for intercountry adoption in Guatemala. By restricting her sample in this way, the researcher was setting the boundaries of the collective case study under investigation. The stories of these women had appeared in national and international media, received substantial attention

from respectable national and international organizations, and were considered “paradigmatic” in Guatemala (CICIG, 2010).

In a way, some of the cases highlighted the failures in the nation’s administrative and judicial systems to prosecute those suspected in the abductions and the pervasive culture of impunity there and in other poor countries. Some other cases show that the pursuit of justice is possible in spite of the prevailing violence against women and children. The literature review has numerous references to the lack of prosecution of those involved in criminal acts related to child trafficking under the guise of intercountry adoptions (e.g., CICIG, 2010; Estrada Zepeda, 2009; Smolin, 2007).

The Guatemalan mothers identified as research participants by the gatekeeper organization had become national symbols in the call for child welfare reform and systems development before intercountry adoptions resume. Thus, the selected cases were considered *critical cases* to resolve within the public system and constitute *sensitive cases* in the context of the HCIA implementation. For the researcher, they became a *convenience sample* given the access the researcher established with the Fundación Sobrevivientes, the gatekeeper to the study participants.

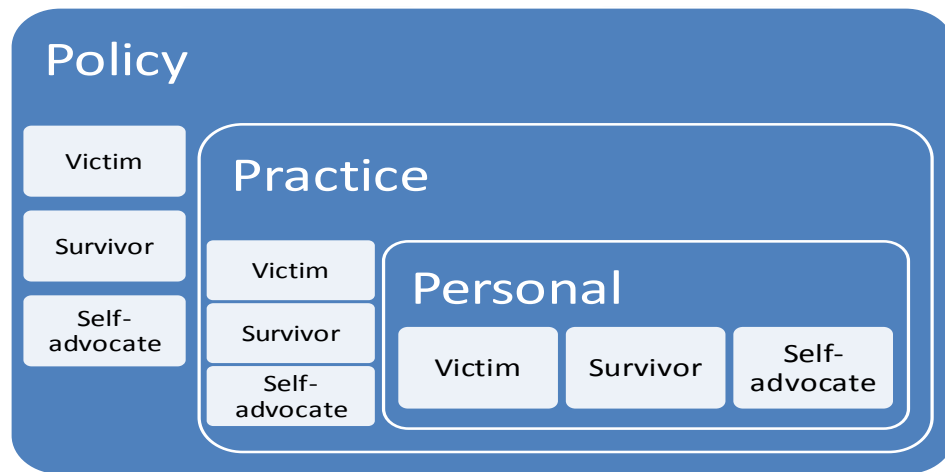
The researcher received approval from the Fundación Sobrevivientes to approach the three mothers they were representing as research participants, as soon as approval from the Internal Review Board (IRB) had been granted. As discussed later, the Fundación Sobrevivientes selected from their users the participants to be interviewed, and after reading them the consent form, they designated the three as formal participants in the investigation.

## **Dimensions of Analysis**

The case study research involved in-depth, semi-structured interviews with the aforementioned mothers. The interviews focused on the mothers' lived experience, covering three distinct areas of research ("waves" of research): (a) the mothers' personal, family, and community experiences regarding the alleged child abduction (personal dimension); (b) their experiences of interfacing with legal authorities, service providers, and agency advocates in locating their children and taking action on their cases (practice dimension); and (c) their viewpoints on regulations most relevant to their experience (policy dimension). The researcher asked questions to generate a thick description of the women's experience, generating recommendations intended to have practice and policy implications. Using the research questions in interview protocol (Appendix A) as the starting point of the conversation, the researcher used additional prompts (follow up questions) to engage in the hermeneutic dialogic process.

The researcher explored the experience of these women in three distinctive roles identified during prior ethnography and suggested by Guatemalan experts. First, as victims of violence who have experienced the loss of their children through child abduction; second, as survivors of that violence who are likely to experience grief; and third, as self-advocates who have embarked in a complex search for their children while seeking answers from the administrative and justice systems and keeping alive the hope of reuniting with their children, possibly as a coping mechanism. This constructed analytical approach was applied in a historical and geographical context; that is, in the context of the women's lives as human beings, including their being women and mothers, and as natives and citizens of Guatemala, including considerations of their cultural and socioeconomic background. Figure 4 depicts the dimensions of analysis, which are reflected in the interview protocol (Appendix A).

Figure 4. Dimensions of analysis



### Hermeneutic Dialectic Process and Negotiated Outcomes

The hermeneutic dialectic process is “*hermeneutic* because it is interpretive in character, and *dialectic* because it represents a comparison and contrast of divergent views with a view to achieving a higher-level synthesis of them all, in the Hegelian sense” (Guba & Lincoln, 1989, p. 149). The process involves building an agenda for the production of negotiated outcomes and reaching consensus on joint constructions, whenever possible; thus, “if the process is successful, or, to the extent that it is, all parties (including the inquirer) are likely to have reconstructed the constructions with which they began” (Guba & Lincoln, 1989, p. 149). A *productive* hermeneutic dialectic negotiation leads to simultaneous education and empowerment of the research participants. However, several conditions need to be in place in order for this to happen: all parties involved must assume a position of integrity; have a minimal competence to communicate; be willing to share power; be open towards change; reconsider their own value positions; and be committed in terms of time and energy (Guba & Lincoln, 1989). For the case study research, the hermeneutic dialectic process included the researcher’s engagement in the



natural setting (Guatemala) and with the gatekeeper organization (Fundación Sobrevivientes) over time, and the inductive data analysis of the transcripts and of published and multimedia documentation. To carry out the hermeneutic dialectic process the researcher used talk and text analysis (Peräkylä, 2005) of the interview means, such as face-to-face meetings, and interview recordings and transcripts. She also utilized writing as a form of inquiry (Richardson & St. Pierre, 2005), by reading and re-reading the transcripts to infer themes and categories, draw ideographic representations, and produce the final report. As a way of testing and enlarging joint constructions (Guba & Lincoln, 1989), the researcher consulted with lawyers, mental health care providers, management of the Fundación Sobrevivientes, and other experts on child protection, human trafficking, and women's studies. The documentation collected during in-country prior ethnography was used for triangulation with the joint constructions developed from the interview process with the aforementioned mothers.

The analytical dimensions explained earlier enabled the researcher to capture the experience of the three Guatemalan mothers, as women and mothers, beyond the event itself. The aim was to capture the thick description of their lives before and after the event, so as to make sense of their life experience in relation to the alleged child abduction in the Guatemalan context. The conversations (i.e., the hermeneutic dialectic process) that the researcher created served as a means for strengthening their capacity for advocacy. The facilitation of this process enabled these women to reflect on their experiences and use that learning to inform recommendations regarding policy implementation and, ultimately, make suggestions for improvements in child welfare practices in Guatemala.

Although these conversations were the main source of knowledge building, “systematic tapping into documents and records provide a variety of cues for questions that can be asked

during an interview” (Guba & Lincoln, 1989, p. 209). The professional literature was used as “aggregate knowledge” for the interviews; however, findings and assertions from it were considered in the hermeneutic dialectic process as “units of information that bear upon the emergent construction and need to be dealt with. But they need not be given special status” (Guba & Lincoln, 1989, p. 211). Although interviews had a relative importance (primary data source), multiple sources of information, multiple interviews, and other research techniques were used in data management.

### **Data Management**

To conduct the data collection and data analysis, the researcher drew from various field research approaches. They included Chase’s (2005) narrative inquiry, Peräkylä’s (2005) talk and text analysis, and Richardson and St. Pierre’s (2005) writing for inquiry. This section introduces data collection and data analysis used in the investigation.

### **Multiple Data Sources**

The qualitative case research involved in-depth data collection from multiple sources, such as interviews and relevant multimedia material, documents, and reports, which were used for data triangulation, as explained later. Data collection began with the use of secondary sources, primarily academic publications; a further literature review involved multiple sources of information from in-country sources, including published works and “gray literature.” Data analysis also included a careful review of Guatemalan news coverage of child abduction in printed and audiovisual mediums such as newspapers, television news, published photos, and radio news from national and international sources. The researcher used Internet searches in both languages (Spanish and English), and some of the articles were provided by the gatekeeper organization, other local experts, and by the participants themselves. Given the extensive list of

references from published works internationally and nationally, the researcher decided not to include these sources in the list of references; however, they informed the various stages of the constructivist inquiry.

The literature review revealed that in the context of intercountry adoption, birth families were the least represented in the literature (Rotabi & Gibbons, 2012; Wiley & Baden, 2005). NGOs providing services to children abandoned and eligible for adoption, including children with disabilities and other special needs, were another sector only marginally taken into consideration in the policy-making process and were underrepresented in the professional literature. But these groups, which often serve a dual role as both service providers and advocates, have capitalized on mainstream media and Internet-based media as a resource for making their voices heard; an example of such groups is the Fundación Sobrevivientes.

### **Multiple Interviews**

Multiple interviews were conducted with the three mothers publicly reporting child abduction for intercountry adoption in Guatemala. The first wave of interview questions gave the research participants an opportunity to describe in their own words what happened and begin to reflect on the experience itself, so that they would understand better their thoughts and feelings about the event in the context of their life experience and not just the event. The second wave of questions enabled these mothers to make recommendations about the continuum of services that public and private institutions provide to other people facing similar circumstances. Some of these services included reporting the incident to competent legal and social services authorities, securing access to and interacting with the justice system, helping mothers cope with their loss and grief, and any other steps required to help parents and families locate and reunite with their children. The third wave of questions focused on critical issues related to the implementation of

the regulations relevant to the HCIA implementation in Guatemala. One area of concern was how to prevent child abduction and promote child safety through, for example, national regulation in cases of child theft or trafficking, and proper functioning of the government agencies handling child abduction cases, including civil and criminal courts.

### **Data Collection and Data Analysis**

One of the characteristics of the hermeneutic dialectic process is the “continuous interplay of data collection and data analysis that occurs as the inquiry proceeds” (Guba & Lincoln, 1989, p. 178). In a research with emergent design, generating joint construction grounded in the hermeneutic dialectic process must be checked for *fittingness* (congruence of constructions from the viewpoint of the participants), *relevance* (constructions have emerged from the situation or problem studied) and *modifiability* (constructions should be open to constant change) (Guba & Lincoln, 1989; Lincoln & Guba, 1985). Inductive analysis (from particular to general) is the prime method of interpretive inquiry and a form of coding based on the unitization of raw data and categorizing based on the process of linking codes. Thereby, the three-wave interview approach used the constant comparison method as a resource for analyzing information collected individually for each of the aforementioned mothers.

For data analysis, Rodwell (1998) recommends categorizing the transcripts of the interviews "by line" (line of each page) and to select "units" (the smallest quotation referential) composed of phrases or sentences expressing the most basic ideas and concepts in the participants' statements. Each code used in the creation of units is composed of the number of participants, the number of the interview, the number of referential appointment made, the baseline number, and page number reference. Codes emerging from data analysis were created in numerical order as the interviews were transcribed. Every code used is composed of the number

of participant (P1, P2, P3), the number of the interview (1, 2, 3), the unit of analysis drawn (quotation or Q), the line number where the reference is found, and referential page number (see Appendix H). All created units became part of the narration of the case study in Chapter 4.

As constructivist inquiry requires constant comparison during and after each of the three waves of interviews, the data collected were analyzed using a “hybrid” approach to data management. The qualitative software analysis package Atlas.ti was used in data management during the literature review as data storage and in a preliminary identification of evidence-based themes. The researcher stored in Atlas.ti over 300 references in electronic format (PDF files) and uploaded them as project documents for the literature review. These documents were consulted and the database expanded as new documents were added to the review of the literature. During this process, the researcher identified preliminary *thematic codes*, or concepts, from *key quotations*, or direct quotes from the literature’s evidence. While data collected from documentation were used in data triangulation, records from participant interviews remained in the forefront of data management. From one interview to the next, through constant contrast and comparison, the researcher identified the key themes grounded on the participants’ statements, which eventually led to the formulation of higher-level categories.

Using the stated working hypotheses as the basis of data analysis, the researcher conducted the interviews while unfolding the hermeneutic dialectic process by comparing and contrasting field notes and later the transcripts from interviewing. To improve data management and better protect data, all records from the three waves of interviews with research participants were de-identified and stored in protected servers. The researcher shared the transcripts and other research materials only with those involved in the research in various capacities, particularly the peer reviewer, the cultural consultants, and members of the dissertation committee.

Data analysis involved the construction of categories based on the emerging themes from data analysis of interview records. The researcher generated a listing of emerging thematic areas, which in turn was associated into subcategories, which were discussed with the participants during the first phase of “grand” member checking, after completion of the interview process. This process continued until the researcher drew inferences of other higher-level categories and was able to formulate the emerging lessons learned through inductive data analysis and the result of the hermeneutic dialectic process (contained in Chapter 4) (Lincoln & Guba, 1985). Everything that was subjected to grand member checking constituted the basis for the formulation of study conclusions and recommendations (contained in Chapter 5). All themes, subcategories, and categories are listed in Appendix C.

### **Data Interpretation and Saturation**

The criteria for interpreting data findings were based on the principles of constructivist inquiry, such as assuming that the reality is constructed, capturing the intersubjective meaning that cannot be generalized, and recognizing multiple perspectives embedded in the case under investigation (Burrell & Morgan, 1998; Guba & Lincoln, 1989; Lincoln & Guba, 1985; Rodwell, 1998). Because data collection and data analysis are done in tandem in a constructivist inquiry, data interpretation becomes an activity embedded in the hermeneutic dialectic process (Guba & Lincoln, 1989; Lincoln & Guba, 1985). The emerging design of the constructivist research enabled the researcher and the participants to refine the interview questions through follow-up questions, while achieving greater levels of sophistication in the shaping of joint constructions until the three waves of interviews for each of the three participants were exhausted. Data analysis and data collection were continued until saturation was achieved and the additional information produced no further knowledge (Lincoln & Guba, 1985; Rodwell, 1998).

Bowen (2008) argues that data saturation or theoretical saturation can be achieved through sampling adequacy or “until the data set is complete,” and through constant comparison of data or “when the researcher gathers data to the point of diminishing returns, when nothing new is being added” (p. 140). Considered in the analysis is the number of respondents as well as the number of times a thematic category is used to code the data. Furthermore, “evidence of trustworthiness [discussed below] combined with evidence of saturation would signal to readers and evaluators of the research report that they could have confidence in the findings, and that the findings could be applied to new situations or experiences” (Bowen, 2008, p. 148). The danger of constructivist data analysis is premature closure, but this can be counteracted with a strong hermeneutic dialectic process among the stakeholders (research participants) and triangulation of the emerging constructions with raw data sources (Lincoln & Guba, 1985), or transcripts of the participant interviews.

The risks of premature closure were also minimized through a rigorous member check and expert debriefing, both directed towards obtaining negotiated outcomes of results and checking for the constructions developed in the process (Lincoln & Guba, 1985). As indicated earlier, the grand member checking was conducted in two phases. The first one was done immediately after the three waves of formal interviews had been completed, when the researcher was close to the end of her prolonged engagement in July 2012. The researcher reviewed with each participant, separately, her individual story and a number of emerging joint constructions. Five months later, in December 2012, after the researcher had conducted further data analysis and had produced the case study report, the researcher engaged the participants, again separately, in the second phase of grand member checking via internet-based videoconferences.

In constructivist inquiry, data unitization enables the identification of thematic codes

(Rodwell, 1998) while “sorting and lumping” units (participant quotes) and themes (emerging from constant comparison), which are critical for interpreting data and inferring analytical categories essential for later case reporting. This process involved consulting with the approved Guatemalan cultural consultants to make the research more culturally appropriate. To carry out data interpretation, the researcher used more commonly used software (Word and EXCEL programs) to identify themes and linkages between themes, create subcategories and categories, and produce ideographic representations of the various dynamics and processes among themes.

### **Reporting**

Reporting a case study is an important component of the constructivist inquiry. A major challenge in this type of reporting is “deciding what to include and what to exclude; [as] there is almost always more information than can be accommodated” (Lincoln & Guba, 1985 p. 215). To address that challenge, Lincoln and Guba (1985) suggest three organizational tasks in case writing: (a) indexing of data materials so that they may be recovered quickly; (b) developing a provisional outline for the case study; and (c) cross-referencing the indexed materials. In fact, case reporting becomes the result of formal and informal processes of negotiated outcomes that enhance rigor in the investigation (Guba & Lincoln, 1989; Lincoln & Guba, 1985).

### **Research Report**

A case study report is an unconventional way of reporting since it is “a snapshot of reality,” a “slice of life,” or “an episode” (Lincoln & Guba, p. 214). In constructivist inquiry, it is the “primary vehicle for emic inquiry. . . [or] a reconstruction of the respondents’ constructions,. . . [that] builds on the reader’s tacit knowledge,. . . [and] is an effective vehicle for demonstrating the interplay between the inquirer and respondents” (Lincoln & Guba, 1985, pp. 359–360). The report has to produce a feeling of “being there”; the thick description has to give the reader a



vicarious experience and produce an axiomatic representation of the case study (Guba & Lincoln, 1989; Lincoln & Guba, 1985; Rodwell, 1998). A substantive case study report ordinarily includes a description of the context and the observed processes, the key elements of the case studied, and the outcomes of the inquiry (Guba & Lincoln, 1989; Lincoln & Guba, 1985; Rodwell, 1998). Before a case study report is considered final, it should be subject to the critique of the research participants to achieve negotiated outcomes. In the interpretive inquiry literature, this process is called member checking (Guba & Lincoln, 1989; Lincoln & Guba, 1985; Rodwell, 1998) and it is presented below.

### **Member Checking**

A comprehensive process of member checking involves selecting a review panel of the participants; preparing and delivering an information package; holding a review meeting of the participants; and considering inputs from the member-check process (Lincoln & Guba, 1985; Rodwell, 1998). Although “joint constructions are best hammered out face-to-face . . . contingencies will occur in which it is desirable to maintain a respondent’s anonymity, or to keep information provided by them in confidence” (Guba & Lincoln, 1989, p. 193). A review panel was not set up in the case study research conducted; this decision aimed at preserving the integrity of each participant’s story and for other reasons outlined next.

Although legalistic rights of the participants should not be the main reason for maintaining their privacy and confidentiality (Guba & Lincoln, 1989), it was important to recognize that each of the participants had independent legal claims requiring privacy in the way information is handled. For this reason, member checking was done individually with each research participant. This approach addressed another potential risk with the hermeneutic dialectic process, which is the potential violation of trust built with each individual participant

over time (Guba & Lincoln, 1989).

Hoffart (1991) recommends three components in member checking leading to changes in the transcripts, constructions, and interpretation. For instance, through the review of transcripts, participants may change the grammar, syntax, spelling, typographical errors, and anonymity concerns (GSSTA); modify the tone; make alterations; enter corrections; indicate clarifications; make amplifications; introduce new data; and delete data. The revision of preliminary interpretations generates comments and affirmations on the part of the participants; it can also lead to refutation of the narrative, in which case new data have to be collected for further data analysis and interpretation. The member check of the final report is the last component, which often results in introducing changes into the final report. For this case study, participants had a chance to review the raw data and a set of preliminary interpretations during the interview process and for the final report after the interviews had been completed. As a result, transcripts, joint constructions, and the final report were amended to integrate the participants' input. Because one of the cultural consultants monitored and supported the interview process closely, she also offered suggestions for changes to these documents and constructions.

Rodwell (1998) suggests carrying out member checking during the second and third phases of the inquiry process. For this case study research, a "wave-by-wave" member checking was carried out while each of the three waves of interviews was being conducted. Individual constructions emerging during phase two of the research process were subjected to this continued member checking. The "grand" member checking started after completing the three-wave interview process with each participant. Joint constructions were drawn during the production of the inquiry product, which took place during phase three of the research process.

In the interview process, special attention was given to acknowledging the participants'

experience as victim and survivor of violence as “unique”—an approach suggested by an investigator conducting research with women victims of violence in Guatemala. The researcher also gave importance to the participants’ own constructions, and their thoughtful formulation of recommendations. This was done as a way of actively listening to their voices in the hermeneutic dialectic process while empowering them to take control over its results. This was reflected in the way the information was organized, so that participants clearly saw the narratives or constructions in tandem with their own words. The stories of the participating mothers carried the most weight in the joint constructions emerging from the hermeneutic dialectic process.

Keeping a productive hermeneutic dialectic process in the face of the needs for confidentiality and anonymity was challenging; however, “respondents ought to be able to feel that their wishes in these matters will be respected. While information may lose its force if the source remains unidentified, it may nevertheless retain some weight even under those circumstances” (Guba & Lincoln, 1989, p. 193). This required three interview sessions per participant; at least one per “wave” or dimension of analysis. However, the researcher remained open to the possibility of allowing not only more interview sessions but also longer sessions for a productive hermeneutic dialectic process to flourish.

The researcher conducted member checking in a manner that was respectful to the participants’ cultural background and their own perceptions about personal space and time, as well as individual and familial privacy and confidentiality. After every interview, the researcher developed the individual and collective ideographic representations of the emerging individual and collective stories, and shared them with the participants in the following interview; the constructions were attentive to the context in which the women’s experience was situated. These representations were presented in the form of stories, summary tables, and a PowerPoint (PPT)

presentation in Spanish, which served in member checking process as the basis for conversations instead of a formal PPT presentation. The research participants reviewed all transcripts and constructions during the first phase of grand member checking. After further data analysis was conducted, the case study report was completed, and the participants reviewed it during a second wave of grand member checking. The first wave was done right after the interview process had been concluded in July 2012 in Guatemala, and the second wave 5 months later, in December 2012, at-distance (through Skype conference calls).

### **Gatekeeper and Expert Consultations**

As indicated earlier, the researcher conducted expert consultation prior, during, and after interviewing the research participants with the gatekeeper organization and other experts, including two cultural consultants and other experts on areas relevant to the investigation. The consultations did not aim to “verify” any statements or constructions achieved through the interviewing, as “there is nothing to verify” in constructivist inquiry (Guba & Lincoln, 1989, p. 138). However, gatekeeper and expert consultations were critical to the researcher’s understanding of the context, and to further interpret data collected, and in the formulation of preliminary findings. Topics of consultation included issues relevant to the case study, for example, child abduction, child protection, the HCIA implementation, and cultural and regional characteristics.

### **Rigor in Qualitative Research**

Rigor refers to the degree to which the findings of a qualitative study are considered authentic and its interpretation credible (Lincoln & Guba, 1985; Padgett, 1998). To judge the adequacy of any study, the researcher has to ensure that the constructivist inquiry meets three criteria: (a) trustworthiness (or the confidence in the findings), (b) the adequacy (goodness,

quality) of the hermeneutic dialectic process, and (c) the authenticity (or the confidence in the intent of the inquiry). Rigor promotes trustworthiness in the research by improving its credibility (of the narratives or statements of the research participants), ensuring its dependability (of the research process and products), establishing its confirmability (when research participants validate the findings), and enabling its transferability (or the application of knowledge from the research population to other groups) (Lincoln & Guba, 1985; Padgett, 1998). In this section, the researcher introduces a more extensive description of each of them; she also explains how each of these elements of rigor was applied to the constructivist inquiry conducted.

### **Trustworthiness**

Trustworthiness, which is the most basic issue in research design, is the ability of the researcher to persuade the audience that the case study is worth taking into account (Lincoln & Guba, 1985; Padgett, 1998). The most common threats to trustworthiness are reactivity or the potential distortion created by the researcher's presence, researcher's biases or the pre-conceptions or notions of the researcher, and respondents' biases that occur when the respondents withhold information to protect their privacy or avoid unpleasant situations (Padgett, 1998). To counteract these threats while enhancing trustworthiness, "a system [for auditability] is developed and consistently maintained" (Rodwell, 1998, p. 102). As explained in detail later, although a formal audit process was not included in the case study research design, a formal peer review process, ongoing expert consultations, systematic journaling, and other recordkeeping mechanisms were applied.

### **Credibility**

Credibility seeks to establish "the match between the constructed realities of respondents (or stakeholders) and those realities represented by the evaluator and attributed to various

stakeholders” (Guba & Lincoln, 1989, p. 237). Several techniques can be used to make the findings and interpretations of the research more credible. These include prolonged engagement, triangulation, negative cases, member checking (as described below), persistent observation (direct observation without structured interaction with subjects), peer debriefing (used when working in research teams), and referential adequacy or progressive subjectivity, which is the process of contrasting preliminary findings and interpretations against data collected and the ability of the researcher to monitor his or her own constructions against existing records (Guba & Lincoln, 1989; Lincoln & Guba, 1985). The researcher applied prolonged engagement, triangulation, member checking, persistent observation (captured in the reflexive and methodological journals and other field notes), and constant contrast and comparison as a means to ensure credibility.

### **Dependability**

The dependability of the research process and of the products, such as data, findings, interpretations, and recommendations, ensures the quality of the research; it is a critical element because ultimately there is no credibility without dependability (Lincoln & Guba, 1985). In fact, “methodological instability and emergent design-induced changes are accounted for and tracked through dependability” (Rodwell, 1998, p. 99). The use of multiple methods (triangulation of methods), and various forms of auditing (extensive review of methods and results by an external person) are two ways of ensuring dependability (Lincoln & Guba, 1985). Guba and Lincoln (1989) assert that dependability is ensured through tracking the emergent design, such as recording of methodological changes made and of shifts in the raw constructions (the ones each brings) into more “sophisticated,” joint constructions (p. 242). Although formal auditing was not a component of the research, as explained in detail later, other forms of systematic tracking of

the research design and process were developed, such as regular peer debriefing and expert consultation during data collection and data analysis, maintaining reflexive and methodological journals, and other forms of recordkeeping.

### **Confirmability**

Confirmability, or the participants' validation of the findings, "is concerned with assuring that data, interpretations, and outcomes of inquiries are rooted in contexts and persons apart from the evaluator and are not simply figments of the evaluator's imagination" (Guba & Lincoln, 1989, p. 243). To this end, confirmability audits are suggested to enable a form of "accounting process" that tracks the quality and adequacy of the inquiry process (Guba & Lincoln, 1989, p. 243). Although an external audit is not considered in this case study, the process of member checking, peer reviewing, systematic journaling, and recordkeeping (a form of audit trails), as well as later data triangulation, ensured confirmability (Lincoln & Guba, 1985).

### **Transferability**

Transferability, or the application of knowledge from the research population to other groups, can be contemplated as a possibility but cannot be guaranteed prior or after the research has concluded (Lincoln & Guba, 1985). Transferability "is always relative and depends entirely in the degree to which salient conditions overlap or match" (Guba & Lincoln, 1989, p. 241). The results sought through the case study are holistic and ideographical representations of the findings tentatively applied to the same or similar contexts (Lincoln & Guba, 1985). However, the case study does not aim to generalize the findings given that in the interpretive inquiry the only generalization that can be made is that there is no generalization (Lincoln & Guba, 1985). The case reporting "provides the reader an opportunity to probe for internal consistency. . . [and] a grounded assessment of content" through the thick description, which is essential for

transferability (Lincoln & Guba, 1985, pp. 359–360). Rodwell (1998) confirms that “the narrative must be richly descriptive enough to impart a vicarious experience of the setting, the problem, and the findings” (p. 102).

Although transferability can be ensured through formal audit trails, the peer debriefing, expert consultations, and systematic journaling and other recordkeeping enabled the experts involved in research rigor throughout the research process to assert the other elements of trustworthiness—see the reports of the peer reviewer, cultural consultants, and translation reviewer in Appendices D through G. As per the reader’s guide contained in the case report (Chapter 4), readers may “decide on his or her own if the findings are useful and applicable elsewhere” (Rodwell, 1998, p. 102).

### **Authenticity**

Rodwell (1998) affirms that authenticity “is the most potentially radical dimension of constructivism” (p. 106) and it includes five aspects: (a) *fairness* or the “extent to which different constructions and their underlying value structures are solicited and honored” (Guba & Lincoln, 1989, p. 246); (b) *ontological authenticity* or the “extent to which individual respondents’ own emic constructions are improved, matured, expanded, and elaborated” with new information to become more sophisticated (Guba & Lincoln, 1989, p. 248); (c) *educative authenticity* or “the extent to which individuals respondents’ understanding of and appreciation for the construction of others outside the stakeholding group are enhanced” (Guba & Lincoln, 1989, p. 248); (d) *catalytic authenticity* or “the extent to which action is stimulated and facilitated by the evaluation processes” (Guba & Lincoln, 1989, p. 249); and (e) *tactical authenticity* or “the degree to which stakeholders and participants are empowered to act” (Guba & Lincoln, 1989, p. 250).



Rodwell (1998) considers it a matter of social justice that constructivist research may pursue fairness, which means keeping an “even-handed representation of all viewpoints” (p. 107), because “fairness strategies [must] attend to sampling and data collection methods to ensure that all stakeholders have equal voice and that the case study presents a balanced view,” and that a negotiation process takes place to achieve it (p. 111). Thus, member checking is one of the key “dialogic strategies [that] should be introduced in each interview so that participants investigate each others’ thinking” (p. 112). The authenticity criteria is also fundamental for making sure that the selected methodology (e.g., constructivist inquiry) and methods (specific techniques used) are appropriate and that the research intent is actually accomplished (Guba & Lincoln, 1989). Both the member checking and the reflexive and methodological journals helped track the relevant changes through the emergent design process.

Several techniques can be used to meet the authenticity criteria. Two techniques can achieve fairness: “stakeholders’ identification and the solicitation of within-group constructions,” and “open negotiation of recommendations and of the agenda for subsequent action” (Guba & Lincoln, 1989, p. 246). Two techniques that can achieve both ontological and educative authenticities are testimonies by selected participants and stakeholders, and audit trail or systematic research follow-up; an additional technique that can also enhance catalytic authenticity is resolutions taken by the stakeholders themselves (Guba & Lincoln, 1989). Besides testimonies and systematic follow up, self-evaluations among participants and stakeholders enhance tactical authenticity (Guba & Lincoln, 1989).

The researcher used various means for ensuring rigor to achieve trustworthiness, adequacy, and authenticity in the research design by looking for maximum variation in the participant sample, conducting in-country prior ethnography, and developing other research

components explained earlier. Below is a description of additional strategies for strengthening rigor in the investigation: prolonged engagement, data triangulation, member checking, peer debriefing, gatekeeper and expert consultations, and systematic research follow up.

### **Prolonged Engagement**

Prolonged engagement is “the investment of sufficient time to achieve certain purposes: learning the ‘culture’, testing for misinformation introduced by distortions either of the self or of the respondents, and building trust” (Lincoln & Guba, 1985, p. 301). Prolonged engagement “is intended to assess possible sources of distortion and to discover information salient to the investigation” (Rodwell, 1998, p. 98). However, prolonged engagement can be considered a threat to trustworthiness when the researcher can either “go native,” become alienated by the context or by the respondents, or become too distant from them (Padgett, 1998). One strategy for not “going native” is to develop constant awareness about the participation in the research process (Lincoln & Guba, 1985).

The researcher lived in Guatemala continuously for 13 months from July 2011 through July 2012. This prolonged engagement was in addition to the regular summer and winter visits to that nation over the prior 4 years. The researcher started her prolonged engagement in Guatemala with support from a Rotary Foundation scholarship, which included the development of an academic exchange with the Women's Institute at the University of San Carlos de Guatemala (IUMUSAC). The researcher’s engagement with IUMUSAC and other relevant experts in Guatemala provided the basis for the cultural assessment necessary for her research.

The researcher used her time in Guatemala prior to the dissertation proposal approval to meet with faculty and staff from this academic institution to introduce her research and get references about additional documentation relevant to her area of research. With the feedback

received, the researcher modified her research design to attend feedback from the IUMUSAC research team and other relevant experts in Guatemala to make the case study more culturally appropriate and attentive to gender perspectives given the population sample. She also integrated theses research reports relevant to the research topic from degree students of USAC, and consulted the IUMUSAC research team and other relevant experts in Guatemala on preliminary research findings once the first phase of grand member checking had been completed, and integrated their feedback into the final case report.

### **Data Triangulation**

Triangulation contributes to achieving credibility, and it “occurs when one data source is compared to another” (Rodwell, 1998, p. 98). Although as a matter of fairness the stories of the mothers who were interviewed were the main data source for the constructions, the researcher carried out data triangulation for credibility purposes through the questioning and analysis of written and visual documentation to assist in the interview process and in the process of sophistication of the emerging joint constructions. Triangulation implies “using two or more sources to achieve a comprehensive picture of a fixed point of reference” (Padgett, 1998, p. 92). Triangulation can be achieved through the use of diverse theories and methodologies, comparison of the intersubjectivity of multiple observers, triangulation of multiple types of data sources, the use of multiple coders, and interdisciplinary triangulation, such as the use of theories and evidence from various disciplines (Padgett, 1998). This characterization is reinforced in Lincoln and Guba (1985), who also refer to different forms of triangulation: sources, methods, investigators, and theories.

The analytical dimensions used in the interview process (the three waves on the personal, practice, and policy experience of the three mothers) involved multiple interviews with the

research participants. The researcher used multiple sources such as written and multimedia sources of information. She took into consideration the views of multiple researchers and practitioners through consultation with gatekeepers and a wide range of relevant experts in Guatemala. The researcher also drew from the perspectives and frameworks discussed in the introduction (Chapter 1). Through the hybrid approach in data management, the researcher linked the study results directly with the raw data, and vice versa, while increasing rigor in the investigation by anchoring the research on participant statements, opinions, and suggestions, and doing data triangulation among the various sources of data to complement the raw data (interview transcripts). The review of documents directly relevant to the women's stories as they unfolded helped with determining what to triangulate while increasing rigor in the inquiry.

### **Member Checking**

The researcher developed member checking not as a form of verification of the accuracy of the data or as data triangulation but as a process carried out against constructions and directly to judgment of credibility (Lincoln & Guba, 1985). Member checking also ensured a fair representation of the voices of the interviewed mothers, and this is a key element of the authenticity criteria (Guba & Lincoln, 1989). Member checking is an important element of ensuring rigor (Rodwell, 1998), and thus is mentioned here only for that reason—for an explanation of how member checking was conducted, see the reporting section presented earlier in this chapter.

### **Peer Debriefing**

While carrying out data collection and data analysis, the researcher briefed her peer reviewer, Dr. Justin Lee, every 2 to 4 weeks from May 2012 through January 2013. This was done through Skype conference calls or face-to-face meetings. The purpose of the debriefings

was to update Dr. Lee on the research process and to obtain feedback regarding how to proceed with specific aspects of the investigation. Dr. Lee was quite prepared to provide methodological advice to the researcher in data collection and data analysis, given his thematic and country-specific experience in child welfare issues in Guatemala and his knowledge of the methodological approach used in this investigation. Dr. Lee has substantial knowledge of constructivist research, as he took a class on this subject with the researcher's methodologist Dr. Mary Katherine O'Connor at Virginia Commonwealth University while completing his doctoral program. He also has extensive experience in grounded theory, as this was the methodology he used in his own dissertation work. Thus, through peer debriefing, Dr. Lee confirmed the research rigor at every point in the process, as indicated in his attached report.

### **Gatekeeper and Expert Consultations**

As indicated before, over the 4 years of her previous visits in Guatemala, the researcher had already established a close relationship with the Fundación Sobrevivientes for access to the aforementioned mothers. The researcher finalized the interview protocol and produced the case study report in consultation with them as gatekeepers and with other experts mentioned earlier. Although the interviews with the mothers were at the center of the hermeneutic dialectic process and the main source of knowledge for the emerging constructions, the gatekeepers and experts provided important complementing information.

### **Systematic Journaling and Recordkeeping**

Even when the researcher did not carry out a formal auditing process, a systematic follow-up to the research through peer debriefing and expert consultation, as well as journaling and other records, provided rigor to this investigation. A *reflexive journal* includes "reports on the inquirer's progressive bounding of subjectivity, in which reflections are made regarding inner

biases and conflicts, and the strategies devised that one uses to cope with or resolve these barriers to understanding” (Rodwell, 1998, p. 261). The *methodological journal* documents “methodological decisions and the rationale for each. . . [as] the primary mechanism for documenting the dependability of the research process and product” (Rodwell, 1998, p. 105). The researcher submitted these journals to the peer reviewer, Dr. Lee, for his consideration in writing his peer reviewer report.

In constructivist inquiry, careful records are kept about data collection, data analysis, data reduction and analysis products, data reconstruction and synthesis products, process notes, materials related to intentions and dispositions, and instrument development (Lincoln & Guba, 1985). *Field journals* are kept to keep “expanded” and “condensed” versions of field notes as well as “day-to-day logs” of activities (Rodwell, 1998, pp. 105-106). Field journals and records of this type were kept through various means: electronic recording of raw data, the dissertation proposal, field notes (from before, during, and after each interview for each participant), reflexive and methodological journals, observation notes (contained in interview transcripts), surveys (the interview protocol and the follow-up questions), a calendar of activities, records of feedback from peer reviewer and cultural consultants, the case report, other written data analysis documentation, and graphic representations maintained throughout the inquiry process.

### **Language and Cultural Considerations in Conducting the Research**

Given that the natural setting of the investigation is Guatemala and the human instrument is a bilingual, bicultural researcher, the case study required language and cultural considerations in the development of the entire research process. In the search for methodological approaches that would be inclusive of the voices of nationals and locals from other countries (non-English speaking, indigenous peoples), Lincoln and Gonzalez y Gonzalez (2008) carried out a

comparative analysis of eight cross-cultural, cross-national research studies in which both Western and non-Western people have been involved, including international students engaged in Ph.D. programs in Western academic institutions conducting research in their countries of origin or native contexts. The authors highlighted the difficulties encountered in the interpretation and translation when conducting qualitative and interpretive research, pointed to the challenges in transporting data and interpreting meaning across cultures, and stressed the lack of academic support in Western universities to “decolonizing” methodologies or approaches empowering research participants.

Specifically, Lincoln and Gonzalez y Gonzalez (2008) warn those attempting this type of research that “some meanings, interesting but not useful to nonlocal audiences, may carry enormous significance for local consumers of the research, simply because the words may tie into larger events, circumstances, customs, issues, problems, or relationships” (p. 803). These were important considerations for the case study research, as the hermeneutic dialectic process evolves and the participants and researcher are engaged in joint constructions through collective meaning-making and member checking.

These considerations were embedded in the emerging design of the dissertation research. For instance, the literature review was conducted based on documentation produced in both languages, English and Spanish; where available, both versions of the same documentation were reviewed to understand issues in the cross-language, cross-cultural setting in which the research was conducted. The prior ethnography was carried out in this type of setting; as a result, the researcher was challenged with understanding the meaning of words across languages and cross-culturally, particularly when staff from the gatekeeper institution and most in-country experts consulted communicated only in Spanish or were not fluent in English. Discussions of meanings

and translations of concepts or findings were part of the consultations with bilingual experts, particularly with the bilingual cultural consultant in early design, with the peer reviewer during the interview process, and with the translation reviewer after the case report had been reviewed by participants through the second phase of grand member checking and had been finally translated into English by the researcher.

To address some of the challenges emerging in the interview planning, an interview protocol was developed first in Spanish and translated into English (see Appendix A); this was done after the researcher realized that finalizing the interview questions in English was not appropriate for the purposes of capturing meaning in the research context. Interviews were conducted, recorded, and transcribed in Spanish. The transcripts from the interviews became tools of data collection and data analysis, even when these tasks were done in both languages. Although the researcher is reporting mostly in English, Spanish words with English translations have been inserted as necessary to preserve the original meaning.

Furthermore, research summaries in Spanish were produced for member checking, gatekeeper and expert consultations, and for future dissemination of results to Spanish-speaking audiences in Guatemala and for possible publication in Spanish and presentations to scholars and practitioners of Latin American and Hispanic heritage. Since it was impossible to predict and prepare for all of the challenges study involved in tentative design, the researcher secured two cultural consultants (one of which was proficient in English and Spanish) and a fully bicultural and bilingual translation reviewer to carry out the case study research. These three people have served in an expert capacity from prior ethnography to the completion of the case study report.

Furthermore, at least one of the mothers interviewed was of Mayan origin, and thus multilingual, multicultural, as most indigenous people are fluent in more than one language—



indigenous peoples in Guatemala use at least 21 languages. In fact, the language proficiency in Spanish of each of the participants was quite different. For example, the woman who admitted having indigenous origin and heritage continued to wear her indigenous dresses, follow indigenous costumes, and openly identified herself as an indigenous person in adulthood. This indigenous woman stated during the interviews that she had learned Spanish during the 6-year search for her daughter, who was stolen in 2006. In reflecting on the meaning of her experience (contained in Chapter 4), this participant declared that people of indigenous origin in her community who were not able to speak Spanish, the official language, had great limitations in advocating for themselves during the search for their disappeared relatives during the war: "How, where they will go [for help]? They cannot, no one wants to speak on their behalf" [refer to endnote 57, Appendix H].

In order to reflect these multicultural, multi-language dimensions of the interactions with participants during the interview process, the researcher transcribed the interviews in the words of the participants. Thus, a vocabulary of terms needing explanation in both languages was developed during transcription of the interviews and expanded during translation of the interview transcripts into English (Appendix G). The vocabulary of terms includes the term as said by the participants, its meaning in official Spanish (as defined in the Spanish Real Academy), and its interpreted translation into English. The transcripts (not included here) were translated into English through a process of interpretation, as opposed to direct translation. To do that, the researcher, who has been trained and is proficient in both translating (in written form) and interpreting (in verbal form), conducted an interpreted translation of the transcripts. The challenges in the translation and back translation for both the researcher and translation reviewer are captured in the report of the translation reviewer (Appendix F).

## **Risk to Human Subjects**

### **Considerations Concerning Vulnerable Populations and International Research**

The IRB research plan requested as expedited (not exempt), even when international research and vulnerable populations guidelines apply, is explained below. Safeguards were ensured for conducting research with vulnerable populations, including people who are disadvantaged economically or educationally, and included assessment of the decision-making ability of participants and noncoercion through, for example, financial incentives (CITI, 2011). International research guidelines applied to the case study as the research took place in Guatemala and not in the United States where the researcher was completing her Ph.D. studies.

The researcher recognized that socioeconomic, political, and cultural factors, which constituted the local research context, had an important influence; for instance, different cultures have different notions about coercion (CITI, 2011). Attending to these guidelines was essential, as well as paying attention to the literature informing cross-cultural, cross-language and cross-national research and ensuring minimum risk to human subjects. In that regard, the researcher ensured that the research participants had access to therapeutic services with the Fundación Sobrevivientes prior, during, and after the interviews. To participate in the research, they needed to understand the research terms prior to signing the consent form. This process involved making sure that the informed consent form was written in Spanish and was culturally appropriate. The researcher arranged for two cultural consultants and a translation reviewer to support the dissertation research—letters of confirmation from these competent and trusted individuals were submitted to IRB. The personal, academic, and professional background of the researcher was an asset for ensuring that research participants fully understood the consent form and that the consenting process was fully voluntary.

Before the research participants signed the consent form, the researcher discussed the forms in Spanish with each participant so that they would understand the intent of the research, including their right not to participate and to withdraw at any point from the research. Given that the reading level of the participants was below third grade, the researcher read these documents aloud during the first interview and provided copies of the signed documentation for their personal reading at home. The researcher also brought up the subject of human protection at the beginning and the end of every interview, assuring the participants of their right to withdraw from the study at any point during the interview process, and even after grand member checking had been completed. As participants were assured of their rights, risks to human subjects were considered as well as the other protocols regarding cross-cultural, international research.

The key to accessing research participants is to have gatekeepers well informed about the research prior to assenting to serve in that capacity (Lincoln & Guba, 1985). Building and maintaining mutual trust with gatekeepers are essential for accessing the research population (Lincoln & Guba, 1985). In prior ethnography, the researcher had already obtained a written authorization from the gatekeeper organization to access the three mothers; their letter of support was submitted to the IRB prior to starting the interview process.

The researcher took the necessary measures to ensure that the gatekeeper organization did not exert any coercion on the prospective women to participate in the study. To avoid harm to participants, she developed a recruitment script, which was attached to the IRB plan. When this recruitment script had not been read by the gatekeeper organization to the participants before the first interview, the researcher read it to them before reading and discussing with them the consent form. Under no circumstances did the researcher create any situation of possible deception, such as creating expectations about financial compensation any other type of recompense for agreeing

to participate in the research in return for their participation. To enable participation and avoid deception, the researcher ensured that the mothers had the means to cover any personal expenses related to their participation in the interviews; this was done in coordination with the gatekeeper.

Although the cases of the Guatemalan women interviewed had been highly publicized, the researcher ensured privacy and confidentiality with the information collected. This was done through access only to de-identified case files from the gatekeeper and the de-identification of their interview statements (their names and any other members of their families, contact information, and other personal data). As necessary, a few statements made by the participants during the interviews were omitted from the transcripts to protect the privacy and confidentiality of the participants. In any case, the researcher reviewed the transcripts with the participants to make sure that the transcripts did not contain any information that could pose any harm to their legal cases. In addition, the data were stored, managed, and archived in secured storage, and transcripts and other de-identified research material was shared with experts involved in the research process only when needed for ensuring research rigor.

## Chapter 4: Case Study

### Introduction

This case study emerges from the investigation into the abduction of children in Guatemala, drawn from the experiences of their mothers. The research was conducted using a constructivist theory and methodology (explained in Chapter 4). Because language and the construction of language in the research process are critical in constructivist inquiry, some important language distinctions deserve explaining before the formal presentation of the case study. In this chapter, “*robo de niños o niñas*,” or child theft, child stealing, or child snatching is used because this is the term the research participants used during the interviews to describe their lived experience. The term “child abduction,” or “*substracción de menores*” in Spanish, is used when discussing policy issues, as this is the term used in the HCIA and in the relevant academic literature. In relevant Guatemalan laws, this latter term is also used to refer to the kidnapping of a child or to his or her forceful removal or the act of removing a child without parental consent or from legal custody—these aspects of the Guatemalan law are discussed in the section on child protection practice and policy in Guatemala in Chapter 5. This latter terminology is also consistent with regulations in the United States relevant to child abduction within its borders and internationally (U.S. Department of State, 2013). However, national laws in either country relevant to the Hague Convention on the Civil Aspects of International Child Abduction (HCCH, 1980a, 1980b) are not addressed in this dissertation as both the national laws and the international convention are beyond the scope of this investigation.

Following is a general guide for reading the case study, which includes a description of the structure of the case study and suggestions for how to read it. The report also contains a detailed presentation of the national context in which the case study develops. That section

presents an outline of the case study, as an introduction to the case itself. Prior to presenting the case study itself, the report introduces an extensive, de-identified profile of the participants. The last section of this chapter is the lessons learned from the case study.

### **Reader's Guide**

This section is a guide on how to read this case study. Following is a description of how the report came about from the emerging design to the interview process to the final revision of the joint constructions—a more detailed explanation of this process is contained in Chapter 3. Next is a description of how the story is told. A conceptual map of the research is presented. This includes both the elements of the emerging design and the emerging categories. Finally, the assessment criteria are presented, which explains how the reader may assess both the quality of the research as well as the report itself.

### **The Emergence of the Case Study**

The goal of constructivist research is to understand the complexity of the experience and to draw meaning from that complexity to become more sophisticated about its interpretation; the goal is not to make assertions about what the case study findings are (Rodwell, 1998). The present research engaged participants in forming joint constructions of their reality based on the development of a hermeneutic dialectic process. The analysis of the participants' narration of their stories and their interaction with the researcher are at the core of this process of continuous dialogue for the construction of shared realities through group consensus aimed at reporting the studied experience. The constructivist research report is a detailed and rich account of the research, including the interaction between the researcher and the participants during the interviews (Lincoln & Guba, 1985; Rodwell, 1998). The constructions developed in the dialectical-hermeneutic process were made until a point of "saturation" was reached in which no

new knowledge was obtained, and the constructions were reviewed by the participants (Lincoln & Guba, 1985; Rodwell, 1998).

To start the interview process, the Fundación Sobrevivientes contacted three potential research participants with the characteristics described above. Interviews with these participants captured their experience before, during, and after their daughters were abducted. The researcher addressed questions about the experience of the mothers while growing up and prior to the child theft and while living with their families and communities of origin. The narration of the story, of what happened during the child theft itself, is not limited to the events but tells how they felt as the events were happening. The researcher also asked the mothers what happened after their children were abducted, what they did in response to the event, and how they felt afterwards.

The research also captured the experience of the participants in their multiple roles in the family and community, as daughters, sisters, women, wives, mothers, workers, housewives, and the leaders they have become since their daughters were abducted. Aspects of their social and cultural life and gender identity emerged in the various conversations with the participants. These aspects are presented in a profile of the participants that was developed at the suggestion of one of the cultural consultants supporting the research. The researcher discussed with the participants the working definition on child abduction and other working hypotheses formulated prior to the research and later subjected to scrutiny by the participants during member checking. These were updated and are presented in Chapter 5.

The "construction" or realities created in the development of the first interview were reviewed in the second interview, and so on, continuously until the interviews were completed. At the end of the three "waves" or stages of the interviews, a review of all contributions, ideas, and "constructions" shared during all of the interviews was carried out. As part of the emerging

design research, this final review was conducted in two waves, or stages. The first review focused on the individual experience of each participant, which was reported to each participant individually. In this first wave, besides the summaries of individual experiences, participants reviewed the preliminary constructions developed in the hermeneutic dialectic process. Data analysis involved constant comparison and contrast of data from the transcripts of multiple interviews with each participant. The second wave focused on the final review of the case study report in Spanish. The purpose of this second wave was to review the further refined constructions of the hermeneutic dialect process and conclude the production of the case study report agreed to by the participants, for subsequent, wider dissemination and discussion, and for its anticipated publication.

The case study was developed in relation to the experience of three Guatemalan mothers who reported the theft of their daughters; the daughters were consequently adopted internationally. Instead of considering the experience of each individual mother as three separate cases, the researcher analyzed the individual and collective experiences of these mothers to create joint constructions of their stories. In this collective or multiple-case study, common points are analyzed, as well as what is particular to each of the experiences of the participants, to report it as a single case study (Stake, 2005).

As all collected data count in constructivist research (Rodwell, 1998), the report includes most data collected. However, to maintain the privacy and confidentiality of those mothers whose stories are well known in the media, some details have been removed from the individual stories to keep the participants from being identified and prevent their statements from adversely affecting their legal cases pending in the Guatemalan justice system. The report presents both the common aspects as well as the particularities of each story (Stake, 2005) that have been gathered



in the development of the hermeneutic dialectic process.

Since the research process is as important as the product (the report) of the research (Stake, 2005), the case study informs two aspects: how the research was conducted and the results. To grasp this dimension of the research development, the emerging design has been described, as well as the elements that were added during the interview process. In order to describe the experience as a process, the case report includes this reader's guide. The case study, contained in the final report, seeks to create a vicarious experience and aims for the reader to feel the experience of "having been there" (Guba & Lincoln, 1989; Lincoln & Guba, 1985; Rodwell, 1998). The case study describes the experience taking place in two moments in history: when the related events occurred and when the dialogue took place. The mothers reported that their daughters were abducted in 2006 and the interviews were conducted 6 years later, from May to July 2012.

The case study itself is presented through a detailed chronological description of how everything happened, as a story told about the experience of the participants at three points in their lives: before, during, and after their daughters were abducted. Based on the categories the researcher identified from issues emerging from data analysis, a discussion about the meaning of this experience from the perspective of the participants is presented. The subcategories and the subsequent associations give rise to the final categories presented at the end of this report. The themes and subcategories were discussed with the participants during the first phase of member checking immediately after the end of the interview process in Guatemala.

Upon returning to the United States, the researcher conducted further analysis and inferred broader categories. The first version of the case study report was drafted using these categories, the de-identified transcripts, and other research materials (journals and field notes), as

well as documents collected during prior-ethnography. Using the de-identified transcripts, the researcher drafted the case study report originally in Spanish. This enabled the research participants to review it in its entirety during a second phase of member checking. Prior and during this review process, the researcher submitted the report to the peer reviewer and the cultural consultants who provided feedback. After all feedback was provided and integrated into the report, the document was translated into English for review by the translation reviewer and a member of the dissertation committee. Once the feedback from them was integrated, this chapter was drafted with few changes from that version of the case study report.

### **The Experience as Told and Interpreted by the Participants**

The case is presented in two parts. The first part is a narration of the events. The second part is a description of the meaning of the experience, which is told from the perspective of the participants in the research.

**Narration of events.** The narration of the events is presented in three phases, capturing the key moments in the mothers' experience of child theft: before, during, and after the child theft. In each of the development phases there are different, significant events. In short, each of these three moments describes the times in which major events happened: before, during, and after the child theft.

This characterization was identified in prior ethnography and confirmed during the interview process. The researcher observed that the participants' narration of events, as captured in the printed media, radio, and television, had to do only with what happened (the theft of their daughters) and how they felt at that time. This narrative captures the events in the historical context of the participants' lives and the lives of their families. To do this, the researcher formulated follow-up questions designed to capture a retrospective (backward) and prospective

(forward) narration of their lives, to locate the child theft experience in the context of their lives.

In doing so, the researcher aimed to "humanize" the participants, by considering them as more than victims of this particular type of violence. As per the "symbolic" children emerging in the history of international adoption (Dubinsky, 2010), the "symbolism" of these mothers is transcended, by "humanizing" the participants in this study. Therefore, the humanization of the mothers is a challenge to those seeking to minimize their experience to isolated events of victimization due to child theft in order to hide the fact that these mothers were subjected to a systematic and multiple victimization in the search process.

The case study is presented as a research report in which the participants are seen as people with past experiences and future aspirations within their own sociocultural and gender settings. The report presents the participants as people who have survived a persistent oppression by developing multiple adaptive capabilities in their quest for justice and "reparation" due to the violence they were subjected—the word "reparation" is used here as the translation of the Spanish word the participants used during the interview process, "*reparación*," which is defined as the "the act of making amends, offering expiation, or giving satisfaction for a wrong or injury" (Merriam-Webster, 2013). The report analyzes how these mothers acted as advocates in the search for their own daughters and of the children of other mothers with whom they have collaborated directly through the search efforts and indirectly through public advocacy.

The first stage, defined as "before the child theft," includes a narration of the life history of each participant, as they chose to tell the story of their families of origin. Dialoguing about this period allowed the participants to find a new meaning to their experience by reflecting on their lives before the child theft and even before having their children, beginning with their own childhood. The narrative of events "before the child theft" was constructed based on participants'

answers to follow-up questions that gave participants the opportunity to talk about their own families, their lives when they were growing up, and the life of their communities before their daughters were abducted.

The second stage is called "during the child theft" because it aims to present the participants' narrative of what happened during the event itself. Participants were asked to talk about what happened in detail and how they felt about it. The intention here was to go beyond the "public narrative" that participants had reported again and again to public authorities, NGOs, the media, and their own families and communities. Although this was the first question they were asked, their answers to the question gave information to help formulate the questions for the other two time periods, before and after the child theft.

The third stage is called "after the child theft" because this research was carried out during the 6 years after the participants' daughters were abducted. This step aims to narrate the efforts of these mothers and what they did from the time their daughters were violently taken from their homes and family life. The follow-up questions that were asked as part of the hermeneutic dialectic process enabled the collection of different types of responses to the event (child theft), as well as the skills and strategies used in the response.

Therefore, each phase is presented not only as a characterization of participants about how the events happened, but also as evidence of the temporal and changing nature of the experience. The report accounts for the time from when their daughters were abducted in 2006 until 2012 when the interviews were conducted. In other words, the report looks retrospectively and prospectively at the lives of these mothers, including the 6 years that these mothers were looking for their daughters.

**The meaning of the experience.** The second part of the case study is presented as a

supplement to the narration of events from the perspective of these mothers whose daughters were abducted for intercountry adoption. Therefore, it is a story about the meaning of the experience or the interpretation of the events as they took place in the way the participants communicated it in the hermeneutic dialectic process. The meaning of the experience has been presented in three categories identified as the result of data analysis. This process included identifying emerging themes in the hermeneutic dialectic process, comparing and contrasting those themes and turning them into subcategories, and then identifying broader categories in which to place the participants in this research. Each of these categories has been linked to key elements in the framework of the analysis presented above.

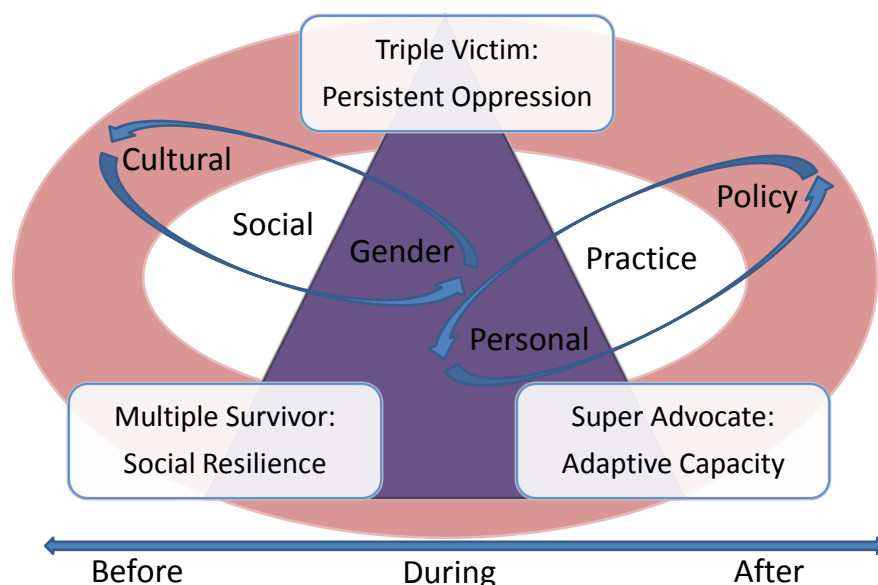
First, the researcher considered the participants as victims of persistent oppression, which resulted from the multiple forms of victimization to which they had been subjected. Then, she considered the adaptive capacities of these mothers and their families as survival mechanisms. Finally, the experience of the participants is identified as a form of social resilience (discussed in Chapter 2), given the various forms of self-advocacy in the search for their daughters from the moment of child theft and the advocacy work they developed vis-à-vis public institutions and the media with the support of the Fundación Sobrevivientes and in solidarity with other mothers.

### **Conceptual Map of the Case Study**

Figure 5 shows the conceptual map for the data management. The graph includes the three dimensions studied: the personal and family experience of the interviewed mothers, their interaction with institutions (social practice), and their interaction with the laws and regulations (social policy). Also, social, cultural, and gender issues were considered, as experienced by the participants, and the different roles of the mothers—as victims and survivors of the multiple forms of violence they suffered, and as advocates in the search of their daughters and quest for

the resolution of their child theft cases. Figure 5 depicts the relationship of each of these roles to the identified categories based on the categories, persistent oppression, adaptive capacity, and social resilience that emerged from the hermeneutic dialectic process and the revision of multiple or combined case studies by the participants.

**Figure 5: Constructivist Dissertation Conceptual Map:  
Social Justice Perspective on Case Study of Guatemalan  
Mothers Reporting Child Abduction for Intercountry Adoption**



### Criteria to Assess the Case Study

The reader can assess the quality of the research by assessing each of the elements of rigor used in conducting the case study. Each of the approaches used has been described under Chapter 3, and expanded in earlier sections of this chapter. As a way of summarizing these research components, a description of the rigor criteria and the techniques used is offered next.

Meeting rigor in constructivist inquiry involves three criteria: trustworthiness (or the confidence in the findings), adequacy (goodness, quality) of the hermeneutic dialectic process, and authenticity (or the confidence in the intent of the inquiry). Rigor promotes trustworthiness in the research by improving its credibility (of the narratives or statements of the research

participants), ensuring its dependability (of the research process and products), establishing its confirmability (when research participants validate the findings) and enabling its transferability (or the application of knowledge from the research population to other group) (Lincoln & Guba, 1985; Padgett, 1998).

To meet these criteria, the inquiry involved several techniques commonly used in constructivist inquiry (Lincoln & Guba, 1985; Rodwell, 1998); these techniques constitute components of the research rigor framework. To ensure trustworthiness, a formal peer review process, ongoing expert consultations, systematic journaling, and other recordkeeping mechanisms were applied. Prolonged engagement, triangulation, member checking, persistent observation (captured in the reflexive and methodological journals and other field notes), and constant contrast and comparison were applied to warrant credibility. Systematic tracking of the research design and process were developed to enhance dependability; these included regular peer debriefing and expert consultation during data collection and data analysis, maintaining reflexive and methodological journals, and other forms of recordkeeping. A process of member checking, peer reviewing, systematic journaling, and recordkeeping (a form of audit trails), and data triangulation enabled confirmability. Transferability was promoted through formal audit trails, peer debriefing, expert consultations, and systematic journaling and other recordkeeping, which enabled the experts to be involved in research rigor. Authenticity was endowed through prolonged engagement, data triangulation, member checking, peer debriefing, gatekeeper and expert consultations, and systematic research follow up.

Besides reviewing these elements of rigor, the reader can also refer to the attached reports of the peer reviewer and the cultural consultants (Appendices D and E). Through peer debriefing meetings, the peer reviewer Dr. Justin Lee kept check on the researcher's personal biases and

questioned her assumptions as she engaged in the interview process and initial interpretation. Dr. Lee provided the research with needed support during stressful or uncertain moments in the research process, including the initial stages of the interview process and the report writing. As he concluded, “I am confident that Carmen’s research project meets the requirements of rigor that pertain to the peer review process outlined by the research method she selected and outlined in this dissertation” (Appendix D, p. 2). As indicated in Chapter 3, a Guatemalan scholar served as the researcher’s cultural consultant providing support throughout the design of the research instruments, the development of interview process, and the review of the transcripts and report finalization after the second phase of member checking. She ensured that the research would attend to the intercultural and gender aspects of the topic under investigation, in the context of Guatemala. She concluded that the researcher’s “investigation not only meets the quality criteria in the administration of data and results but also it contributes to the study of a topic little explored in the country in the academic environment, in spite of its transcendence to the topic of human rights of women and children” (Appendix E, p. 1).

Zeller (as cited in Rodwell, 1998), offers complex criteria for assessing the thickness of the case study: Does the case study have “power” and “elegance”, and “is it precise and graceful”? Is it well-written, and “does [it] not appear to be thrown together at the last minute”? Is it “creative” and “playful,” beyond simple reporting? Does it “explore unexplored grounds” and is it “open and focused on problematic qualities”? “Is it open to negotiation by being tentative and exploratory in its conclusions, such as the lessons to be learned about the problem under investigation? Is the story *independent*?” (p.187). Additional criteria for assessing the case study this scholar refers to the commitment of the researcher to honor the constructions of self and others. Courage and egalitarianism in the representation of all perspectives are valued in the



assessment, as well as the “emotional and intellectual connection between the writer and the case” (p. 187). Rodwell (1998) suggests making a methodological assessment of the case study, one has to make sure that there is a “formal problem statement. . . a review of the literature that places the problem in a historical context. . . [, with] attention to multiple perspectives and meanings. . . [and ] research questions discussed as they emerged. . . [as well as an] inquiry strategy [and the presentation of] alternative constructions” (p. 188). Finally, Rodwell (1998) indicates that “for the outside reader, the first question is whether a vicarious experience was enabled. . . Was methodology reported, including the participants, the interview protocol, the confidentiality protections, [and] the research process? Were the constructions well-drawn with coherence, a thick description, and balanced view?” (pp. 188-189).

While reading this report, the reader can also engage in a self-reflection exercise, such as the one the researcher engaged through her reflexive journaling, as another way of bounding subjectivity when reading the inquiry findings. Possible questions for engaging in this process include: Is the narrative telling the story of the lived experience of the participants in the context of Guatemala? Is it “thick enough” to get a vicarious experience of what happened and how the participants interpret what happened? Do the lessons learned seem to emerge from the story as told? What other lessons could the reader draw that could be useful for drawing policy, practice, or research implications? If the reader is involved in a “triad” (is a birth parent, adoptive parent, or older adopted child), or a child advocate or practicing in the field of child welfare, child development, or women’s issues, what features of this case study are most relevant to the reader’s life or practice? What features are less relevant? In doing this, the reader has to keep in mind that the report is a thick description of the case study, not an assertion of the research findings, as it is the responsibility of the reader to determine if the findings of case study is

applicable and relevant to another setting (Rodwell, 1998, p. 190).

### **Context of the Case Study**

This section of the report first describes the national context in which the case study is developed. The international context includes the enactment and implementation of the Hague Convention (described in Chapter 2). The national context is addressed in an extensive review of the history of adoptions in Guatemala and an analysis of the development of intercountry adoptions. This national context shows that the impunity prevailing in Guatemala made irregular adoptions possible and that most reported cases of child theft remain in impunity.

### **History and Current Status of Adoptions in Guatemala**

This case study was developed in Guatemala, which is the "natural context" of the study. In his review of doctrine and Guatemalan law regarding the legal nature of adoption, Gomez Esquivel (2011) identifies three trends or distinct perspectives. The first trend views adoption as a private contract between the adults adopting and the adopted children, which emphasizes the patrimonial and family law. The second trend considers adoption as an institution, which aims to integrate and protect families through the regulatory framework that takes account of the purposes, principles, requirements, obligations, and duties of those involved in its creation and development. The third trend makes adoption a statement of will assumed by those involved, which is sustaining the legal, social, and family life and enacts the adoption as such.

These perspectives have been observed at different times in the history of adoptions in Guatemala. This particular story is characterized by a climate of violence and impunity in the country postconflict and a changing child protection system that is seeking to be consistent with international standards. The ratification by Guatemala of the 1989 International Convention on the Rights of the Child in 1990 hinted at the need to revise the Juvenile Code (Decree No. 78-79

of the Congress), which was eventually repealed by the enactment of the Comprehensive Law on the Protection of Children and Adolescents (Decree No. 27-2003) (Chávez Ixtamer, 2008). In Guatemala, the Hague Convention was enacted through the Adoption Law (Decree No. 77-2007), which established the National Council for Adoptions (CNA) as the Central Authority for adoptions (Consejo Nacional de Adopciones [National Council of Adoptions], CNA, 2007).

In an evaluation of this new law, which involved government and nongovernmental stakeholders related to the adoption process and was carried out by a multidisciplinary team, the CICIG (2010) offered a characterization of the adoption history in Guatemala. This Central American country exemplifies the phenomenon of rapid globalization in two ways: (a) in the evolution and statistical trends of adoption and intercountry adoption (discussed below), and (b) in the pervasive environment of abuse that has emerged (discussed in the Child Abduction section). CICIG (2010)'s three-stage characterization of the adoption history in Guatemala resulted from an extensive investigation involving a wide range of stakeholders and carried out by a multidisciplinary team. In the *first period* (1963–1977), adoptions were regulated under the civil code. Adoptions did not require judicial approval but rather only an examination of the proceedings by the Public Prosecutor's Office (which at that time was part of the Solicitor General's Office), which had the power only to "object" to the cases considered (CICIG, 2010). During the *second period* (1977–2007), asserts the CICIG (2010), adoptions were regulated under the Law Regulating Processing by Notaries of Matters under Voluntary Jurisdiction (Decree No. 54-77), which entrusted the Notary Public with handling adoption cases. The Notary Public had the power to formalize an adoption without prior judicial authorization, and then the Solicitor General's Office would "approve" the case after receiving it from the Notary Public (CICIG, 2010). The *third period* (2007 to the present) begins with the approval of Guatemala's

Decree 77-2007, a new adoption law that establishes “a follow up mechanism designed to monitor system performance and guarantee the status, security and integrity of adopted children” (CICIG, 2010, p. 18). Thus, the new law also establishes a series of transitional arrangements for processing notarial adoptions, which had generated a number of irregularities (CICIG, 2010); about half of the cases “grandfathered” after intercountry adoptions were suspended.

The Constitution of the Republic of Guatemala considers adoption in general to be a national interest, and as a form of protection for children orphaned and abandoned (Folgar Hernandez, 2009). However, a critical reading of the situation of children in Guatemala (Folgar Hernandez, 2009) indicates that poverty levels in the country are alarming given that "it is estimated that there exist some 7.3 million of poor, about 80% of the total population. . . [and as a result] more than 150,000 children [have died] from the inhuman conditions in which they live, not counting the children who died as a result of armed conflict" (p. 31). Folgar Hernandez (2009) insists that although the Adoption Law states that "the situation of poverty or extreme poverty of the parents is not reason enough to give a child up for adoption" (p. 87), in fact, the state of children's vulnerability in Guatemala does influence this situation, as do "the conditions of abuse, exploitation, domestic violence and trafficking of children" (p. 31).

An area of concern in the case of Guatemala has been the adoption system. Of the 17,883 adoptions in Guatemala between 1997 and 2004, only 500 were domestic adoptions—less than 3%; meanwhile, 14,129 were intercountry adoptions to the United States (Selman, 2009). The majority of adoptions from Guatemala, 99% in 1997 and 98% in 1998, were international adoptions (Instituto Latinoamericano para la Educación y la Comunicación, ILPEC [Latin American Institute for Education and Communication], 2000). Between 1998 and 2007, intercountry adoptions to the United States represented 90% of adoptions from Guatemala

(CICIG, 2010). In 1999, the total Guatemalan intercountry adoptions to the United States were 1,002; in 2007, that number peaked at 4,727 (U.S. Department of State, 2011a). After the moratorium on new intercountry adoptions, only 754 visas were issued to Guatemalan orphaned and vulnerable children in 2009, 50 in 2010, and 32 in 2011 (U.S. Department of State, 2011c); these are presumed to be transition cases.

Most alarming is that the history of adoption in Guatemala shows that the system of protection and welfare of children was not organized to serve this underserved population. While 5,110 children were adopted internationally in 2007, in the same year, “the Children and Adolescent judges assigned 5,600 children to institutional care or protective custody due to abandonment or child maltreatment or abuse”(CICIG, 2010, p. 22). Three years later, in 2010, 5,295 children remained in institutions, confirming “the fact that children given up for adoption were not necessarily abandoned children, or children in a situation of adoptability” (CICIG, 2010, p. 22). This confirms the fact that children placed for adoption before 2007 were not adoptable children (Casa Alianza, COPREDEH, Myrna Mack Foundation, Fundación Sobrevivientes, Social Movement for the Rights of Children and Adolescents, Office Archbishop's Human Rights, and the Secretariat of Social Welfare, 2007). In other words, there were children who did not fit the criteria of international standards of ethical adoptions, which includes those parentless children or children with some compelling child protection issue, weighted in the best interest of the child.

Since child abduction is an illegal activity, obviously there are no statistics on the abduction, sale, and trafficking of Guatemalan children for intercountry adoption (Casa Alianza et al., 2009). However, it is known that during the years prior to the moratorium on intercountry adoptions from Guatemala, most adopted children were infants, and that since 2006 at least 95%

of the adopted children were adopted internationally. Thus, it is suspected that these trends were the result of the operations of illegal intercountry adoption networks carried out through irregular adoption processes (CICIG, 2010). In fact, the CICIG (2010) estimated that in 2007, "60% of lynchings [*linchamientos*"] or detentions and beating of suspected perpetrators by community mobs, sometimes resulting in death] in Guatemala were related to alleged child abductions" (p. 5). This phenomenon could be considered a response of rural and indigenous communities to child theft and the trafficking of children in light of the inefficiency and corruption of public institutions. Yet, CICIG (2010) classifies the lynchings as part of the culture of impunity prevailing in Guatemala. In any case, lynchings seem to have gotten a lot of press attention and deterred child abduction in the communities where suspected traffickers operated. Historically, they preceded a major policy change: the enactment of the new adoption law.

The CNA is part of the comprehensive protection system in Guatemala guaranteeing that "the restitution of the right of children and adolescents to grow and develop in a family be carried out through policies and programs complying with the principles and procedures set forth in Adoption Law" (Ruano Navas, 2011, p. 63). In September 2007, the CNA announced the suspension of international adoptions (CICIG, 2010). However, CICIG (2010) reports that in fact 40% of adoptions were initiated after this law came into force on January 1, 2008. The PGN has processed 3,342 adoption cases during the transition period since the new adoption law was enacted (CICIG, 2010). However, "despite these control weaknesses, judicial, PGN and NAC [CNA] officials found problems in several cases during the transition period" (p. 8).

These irregular adoption processes are the result of the existence of networks for economic benefit with the "ability of generating impunity. . . with the processing of irregular processes [of adoption] taking advantage of limited controls, few regulations, corruption of

public officials and support from the authorities and members of State institutions " (CICIG, 2010, p. 22). In February 2009, the CNA referred 985 cases to the Courts for Children and Adolescents for the "verification process" and sought injunctive relief for 893 cases (CICIG, 2010). Given the serious irregularities found in these "transition cases," some of the children have been returned to their families of origin and others await a final determination of their cases (CICIG, 2010). The most recent statistics from the U.S. Department of State (2011b) on the total number of pending ("active") cases was 382.

The Fundación Sobrevivientes commissioned a study on human trafficking in Guatemala using a gender focus and ethnic perspective that documented the stories of women who reported the theft and trafficking of their children, and the process of irregular and illegal adoptions (Estrada Zepeda, 2009). Estrada Zepeda (2009) highlights the coordination with the Public Prosecutor's Office and the National Civil Police (PNC) to advance the typology of offenses in cases of human trafficking. The report also mentions the organization of two "hunger strikes" with service users in April 2008 at the National Palace in July 2009 before the Supreme Court "with the purpose of declaring such legal transactions and instruments null and to expedite as much as possible the claims for the return of the three girls to whom the State of Guatemala granted adoption illegally" (p. 223). These actions included coordination with CICIG to combat impunity in cases accompanied by the Fundación Sobrevivientes (Estrada Zepeda, 2009). The story told in this report is about this type of cases, which as discussed below are considered serious violations of children's as well women's rights (Estrada Zepeda, 2009).

### **The Violation of the Rights of Women in Guatemala**

Femicide refers to the killing of women as a result of the domination of men in gender power relations. This implies sexual assault as well as the "dismemberment" or the rupture of

parts of the women's body, which frequently occurs with sexual assault. In 2003 and 2006, 383 murders and 603 women, respectively, were registered (Sanford, 2008). Further, the Ministry of the Interior of Guatemala reported that 773 women were killed because of their gender in 2008 and 708 in 2009. In fact, Guatemala ranks second in the Americas (after Mexico) with the highest absolute number of feminicides; also, it has the largest number of cases per capita in the Eastern Hemisphere (Fundación Sobrevivientes, 2011). This growing trend must be understood in the context of widespread impunity in the legal system in Guatemala. Muñoz Cabrera (2010) indicates that only 2% of cases registered as feminicides have been resolved. This means that 98% of the cases investigated have no final resolution. The lack of evidence in the investigation and monitoring of cases and the prevalent gender discrimination have been reasons for these crimes to go unpunished, as they are considered "crimes of passion" (Sanford, 2008), rather than violence against women.

"Crimes of passion" is a term often used to justify the atrocities committed against women. The report of the Rapporteur of the Inter-American Commission on Human Rights (IACHR), Susan Villarán, indicates that this classification used by the police is not based on case research but on practices of discrimination against women, blaming the victim, who then are re-victimized. Women are blamed for being unfaithful, jealous, dishonest, or for damaging the honor of men. The Investigative Mission report of the UN Rapporteur Yakin Ertürk assures that the root of widespread violence against women in Guatemala is based on the prevailing inequality of class, ethnic, and whether urban or rural residence (Muñoz Cabrera, 2010).

As Muñoz Cabrera (2010) has stated, violence against women in Guatemala is an intersection of oppression against women in all aspects of life, such as belonging to a social and ethnic group, practicing a religion, and having a low income level, and results in structural



violence that is expressed in ethnic discrimination, social inequality, and lack of opportunities for women. Sanford (2008) argues that feminicide is a contemporary phenomenon of institutionalized oppression in Guatemala that arises from the state of violence against women with its origins in colonial domination and unequal racial and ethnic relations, as well as from the climate of impunity that has prevailed in the country since the massacres of social "cleansing" and genocide during the civil war in the 1980s.

Scholars have embraced violence against women and the feminization of poverty as important themes for feminist research in the past two decades (Muñoz Estrada, 2010). The majority of women in general, and birth mothers in particular, have been poor and uneducated, leaving them highly vulnerable to coercion or deception in adopting their children, as has been evident in cases of abduction, sale, and trafficking of children for adoption (Casa Alianza et al., 2007; Estrada Zepeda, 2009; Muñoz Cabrera, 2010). Therefore, irregular and illegal practices of international adoption have been primarily an act of violence against women (Casa Alianza et al., 2007; Fundación Sobrevivientes, 2009). More specifically, violence against women is an element of the social context of child abduction practice and the evolution of adoptions in Guatemala (Bunkers & Groza, 2012; Rotabi, 2008).

### **Key Actors in the Case Study**

This research has focused on the experience of Guatemalan mothers who reported that their children were abducted and then trafficked for purposes of intercountry adoption. This section presents a social, gender, and cultural profile of the participants that was developed as part of the hermeneutic dialectic process that the researcher conducted with participants.

### **Participants' Profiles**

The sociocultural and gender profile presented here was prepared based on the transcripts

of the interviews and conceptualized as a joint construction, which was reviewed by the participants in the first wave of revisions. The profile presented below can be found in the first report for revision by the participants (MC-PPT, pp. 12–13). The women participating in this research have lived all their lives in a relative state of social vulnerability. This social status includes having grown up and remained in low-income families, which made them more vulnerable to child theft. In addition, the mothers did not know their legal rights, at least before the theft of their daughters, which also made them more vulnerable to this type of violence.

The ethnicity of the participating mothers is another factor influencing their vulnerability. One participant self-identified as indigenous. She argued that her indigenous origins made her more vulnerable to the prevailing racism against people of Indian origin. The researcher does not know the ethnicity of the other two participants because ethnicity was not an issue addressed by them. In fact, the researcher did not address the issue of ethnicity with the participants directly, as cultural experts view this issue as sensitive and complex in Guatemala, thus beyond this study. For instance, in meeting with feminist and multicultural scholars at the University Institute of Women at the University of San Carlos of Guatemala (IUMUSAC) on July 16, 2012, at its offices, the researcher was warned about making judgments regarding ethnicity based on a person's physical appearance, because the people themselves must define their ethnicity. In fact, being "Indigenous" and of Maya origin in postconflict Guatemala is controversial as this issue of identity is directly related to the history of racial injustice and inequality, racial genocide during the war, and historical tensions between indigenous populations and people of "Ladino" (*mestizo*) origins (Vanthuyne, 2008).

Regarding their origin, the participants have other important features. Two women lived their entire lives in urban areas, and one woman grew up in the rural area. Two mothers saw

themselves as married, even though legally they were not, when their daughters were abducted; the other one self-identified as a single mother. One mother had a large family with all of the sons and daughters she could possibly procreate and the other two had small families, with fewer than five children in total. In addition to the abducted daughters, two of them procreated only sons throughout life and the three of them did not bear daughters after the child theft. Three women have a high sense of maternal responsibility, forged in and through their home life, ethnic group, or religious beliefs.

Three participants displayed some level of social vulnerability with a propensity to being victims of the high rates of violence in Guatemala, especially violence against women. Two participants experienced domestic violence in their childhood homes and from their spouses while the other participant enjoys good relationships in her family system. Of those who experienced domestic violence, one suffered sexual abuse when a teenager and the other one prolonged physical abuse on the part of both her father and husband. Child traffickers or their associates kidnapped one mother threatening her and her family; the other two mothers feared similar threats.

The three participants reported a number of material losses, as well as distressed physical and mental health. The researcher calculated with the participants the monetary and opportunity losses that each mother incurred in searching for her respective daughter. The total estimate for each is about half a million *quetzals*, or more than US\$63,000. Although the expense of the loss of physical and mental health of the mothers and their families was not fully accounted for, the narrative included here provides a rough estimate on these and other losses.

One of the important features of these mothers was their ability to generate media attention support from institutions and other people outside the family, in order to advance their

search. The Fundación Sobrevivientes supported the three mothers in finding their respective daughters in the migration records, after those they recognize as their daughters were adopted in the United States. Moreover, the three mothers collaborated with other mothers to find reports of their daughters in the files. They also helped reunite other mothers with their children whom they had reported abducted. In 6 years—from the theft of their children to the time of the interviews—numerous national (in Guatemala) and international media have interviewed the mothers about their experience. According to them, this coverage has greatly helped the progress of their cases by putting pressure on the public authorities.

In their quest for justice, the three mothers interviewed submitted civil court petitions in Guatemala seeking the nullification of adoption proceedings of children they identify as their daughters, given the irregularities found in those cases. All of them have verdicts in criminal cases against those who were involved in the theft, trafficking, and fraudulent adoption of their daughters. To uphold her constitutional right as a mother, one mother submitted a “Constitutional appeal”—“*recurso de amparo*” in Spanish, which does not have an equivalent in Anglo-American law. Although the Children and Youth Court heard that request, this legal entity was acting on behalf of the Supreme Court of Guatemala when it issued a favorable decision for the mother: the nullification of the irregular adoption of the child she identified as her daughter.

The three mothers are determined to continue their search for the restitution of their daughters to their homes of origin, as a first choice. However, the three mothers would like to see some sort of mediation with the adoptive families so that they may meet their daughters again in Guatemala or in the United States. The three mothers aspire to continue the maternal and family relationship with their daughters, even when they may not be physically together.

### **Part I of the Case Study: Narration of Facts**

This section presents the narrative of events as described above. The narrative is presented in three “acts” or phases (before, during, and after the child theft), each of them having different “scenes” or moments. In this way, the researcher seeks to capture the mothers’ experience in chronological order. This sequential order is not how the experience was told to the researcher, nor is it intended as a generalization of the experience of the three participants. What this structure does is to acknowledge the temporal order of the events. However, the narration itself honors the relative nature of the experience of each of the participants. For purposes of this report, the fictitious names of María (Participant 1), Juana (Participant 2), and Rosa (Participant 3) were used, since they are commonly used names in Guatemala, and agreed upon with the participants during member checking.

#### **Before the Child Theft**

The three mothers have life histories that inform the research topic; they put their experience in the context of their lives from when they were children growing up in their homes of origin to when they formed their own families. The retrospective view of the participants presented in their stories provides a better idea about the social, cultural, and gender reality in which they grew up. It also provides the inter-subjective reality as the participants experiencing it at the time their daughters were abducted. This first act has three scenes depicting different moments in the experience prior to the event, that the researcher, acting as rapporteur of their stories, considered of major influence on the way they experienced the loss of their daughters and the subsequent search for them.

#### **The family and community of origin.**

*María’s case.* María was born in a humble but united family [1], where the older siblings

cared for the younger siblings [2]. She affirms that during her childhood she lived without wealth, "but I had what was necessary, that was love" [3]. She had three older brothers and two sisters, one older and one younger. When María was 16, her favorite brother was "kidnapped;" he had been the one taking care of her since she was 14 [4]. During a later conversation with María that was not recorded, she told the researcher that her family was able to recognize the body of a person who had the descriptions of her brother, but she still feels that that was not her brother; in fact, she believes they buried someone else [5].

***Juana's case.*** Juana was born into a family of indigenous origin, poor, without formal education [6]. She grew up in a large family of 14 brothers and sisters, of whom four died [7]. From an early age, she worked in the countryside [8] and her mother taught her to weave, which she continues to do to support her family [9]. Juana grew up with an alcoholic father, violent towards the whole family who she says "got drunk and insulted us, he verbally abused us [verbally, and] treated us like animals" [10]. Juana began attending the Christian church when she was 19 and always continued on "God's path" [11]. Her daughters and sons have followed her example [12].

***Rosa's case.*** Rosa grew up in a small family with a brother and two older sisters [13]. Her mom and dad were very strict in the way they raised the family; they would not let her leave the house alone, although generally she "was a happy child. . . [who] got into cute mischief" [14]. Rosa recalls that at 6 years old when she was under the care of her grandmother, she got lost when they were shopping at the market and her family went looking for her, even getting the police. Meanwhile, she was "really happy waiting;" she did not know she would go through a similar situation with her own daughter later in life [15].

### **Family life.**

**María's case.** María relates how after her brother was kidnapped, when she was just 16 years old, she went to work with the family of a friend of her older sister, because she was feeling depressed [16]. The son of that family sexually abused her, which María described as "a pretty awful (*fea* or ugly) experience" [17]. When she became pregnant, she concludes that "my first child was the result of rape, not of my wish" [18]. After giving birth to her first child, María could not depend on the help of her son's father, so she became "a single mother," as she called herself [19]. Sometime later, she gave birth to her second child with a man who wanted her first child "as if he was his child" [20].

However, given that María did not get along with his mom, they separated and she spent time living alone again in her original family house before meeting the father of her third child and of the only daughter she has had [21], the stolen child. María lived with this man for 15 years until her daughter was stolen, after which he abandoned her [22]. Before her daughter's theft, María made piñatas at home [23], which she sold in the capital city. Of those sales, she had a gross income (before deduction of expenses) of about Q3,000 (*quetzales* or about US\$ 375) a week [24], with which she could live without her sons and daughter lacking anything necessary. María says that before the child theft, the family was happy [25].

**Juana's case.** Just like her family of origin, Juana came to have a large family of eight children, one of whom died before birth [26]. Juana explains that this was because her husband was violent with her and the whole family, and once he "hit me a little, and it hurt me and I lost the [sixth] baby" [27]; "it came out of me in three pieces" [28]. She says it was because of her faith and the power of her prayer that "when the other baby [her seventh baby] was conceived, the baby was very healthy and nice" [29]. Her last baby was the stolen daughter.

Juana believes her church involvement helped her make the decision to not allow the same thing to happen in her own home that her father had done in her childhood home. She is convinced that "if he [husband] wants to raise his hand [to hit me], I also have hands. . . I have stood up to him on behalf of my children, when he has wanted to hit my children" [30]. Juana's husband complained that she cried at night after the daughter's theft, so he abandoned her and their children for 4 months [31]. That situation was unbearable for her and she doesn't know how she endured that life [32]. Her husband's rejection, his lack of support, and his abandonment of the whole family hurt her [33].

Juana attests that she has worked all her life to support her family, including working in other people's houses [34]. Before her daughter's theft, Juana sold vegetables from her house and also wove cloth to sell [35]. Her eldest son also ran a bicycle repair shop from the house [36]. With these revenues, she supported the family since her husband did not contribute much and was absent from the family. Juana said she had to "play the role of mom and dad, and also that of teacher" to her children [37].

***Rosa's case.*** In contrast to the other participants, from the time she joined with her husband Rosa had a small family; two sons and the daughter who was stolen [38]. When she was growing up with her family, Rosa took special care about her daughter "because she was tiny. I knew her very well that she was active and quite smart" [39]. Before the child theft, Rosa's husband worked in construction and earned Q5,000 (about US\$ 626) a month [40], so she did not work and spent all her time caring for their sons and daughter. She affirms that her family is still "happy . . . we just need something else to be happier" [41]: the stolen daughter.

### **The life in community**

***María's case.*** Before the theft of her daughter, María said that she was living in an area



of the capital where other children had been stolen [42]. A mother who lived there had her baby of "6 or 9 months [stolen]. . . It was the same people who stole my [daughter] " [43]. According to Rosa in Guatemala, "there are people who feel afraid [that their children might be stolen] because they know how the situation is" [44]. María met a couple who sold their babies, but "they were drug addicts" [45]. María also knew another mother who had mental problems, and at the Roosevelt Hospital (public facility) they took her oldest daughter and baby from her. Her sister "was able to rescue the older child but not the little one (baby). She (the baby) was taken [for adoption]" [46].

***Juana's case.*** Juana acknowledges that there are people who steal children, "but if they [the lawyers] had not signed the papers, they (the abductors) would not have been able to do anything" [47]. She also knew of a case of theft that had happened during the war, where a child was taken through deception and brought to the United States, and when the child became an adult, "she [re]united with her mother" [48]. Juana says that she knew women in her community "who would say that their babies were stolen but that it is not true" [49]. Some of them got pregnant by their boyfriends without planning it [50], or after their husbands went to work in the United States [51], so they gave away or aborted their children [52]. Juana preferred that women in her community give their children away instead of killing them [53].

Comparing her experience with that of other women in her community, Juana described how during the civil war in Guatemala, "they kidnapped husbands, they left some children and the women as well. Entire families were burned, forcefully as well, and their relatives were left as orphans, widows; they were just left there. They did not look for the bodies. It comes out in the news that their relatives were buried there and no one took the case [for investigation], no one followed up on these cases" [54]. The families of those who disappeared during the war still

"cry in the dark, because nobody picked up the bodies, no one investigated, nobody cared, nobody moved (a finger)" [55]. Juana believes that these people have not had justice in their cases because they did not have the money to spend on transportation and to investigate the cases until they found an answer [56], which is what she did. Not being able to speak the official language, Spanish, is a great limitation for people of indigenous origin living in her community and having relatives "disappeared" during the war; this makes her wonder: "How, where they will go [for help]? They cannot, no one wants to speak on their behalf" [57].

According to Juana, those people who are left without answers suffer from trauma and other mental illnesses, living marginalized for the rest of their lives [58]. For Juana, the pain of those who lost their relatives in the war and those who had their children stolen is the same, "because sadness stays in one's life, for life. One cannot have a mind free of that pain, of that trauma, of that rejection, because it is also a rejection of the authorities that one suffers. Because no one spoke on one's behalf, no one gave them a response" [59]. She compares this state to hell, a place where there is no recourse, no peace, and where people live as if in a dream, like the neighbor who dreams that her husband is alive because he was never buried [60].

**Rosa's case.** In her community, Rosa met two women who "for not having the means to support them [the children], they want to give them away but not to sell them" [61]. Indeed, some time ago, a cousin adopted a child that someone in that same community gave away [62]. Rosa stated, "I would never give away a child, much less for money. This is bad because if one is going to have a child it is because one wishes to have the child with oneself and not sell him [her] or give him [her] away because one has to struggle so that they grow up. So, it is a bad [to sell them or give them away]" [63]. Indeed Rosa does not understand why other mothers give their daughters or sons away "because with the desire, one can fight to get ahead. Even when

there is not any [resources], one can [do this], because when they grow up, they provide great support" [64].

### **During the Child Theft**

The retrospective view the participants offered in the above narration provides a detailed account of the social, cultural, and gender reality in which they grew up and evolved, as well as a description of the inter-subjective reality that they lived before the child theft. Although the theft of the daughters of each of the three mothers interviewed took place under different circumstances, as narrated below, their experiences were similar in many respects. This second act is a participants' account of how the events occurred during the theft itself of each of the daughters. It includes a description of the conditions when the child's theft was committed by people involved in trafficking of infants for intercountry adoption.

***María's case.*** On a summer (dry season) afternoon in 2006, María left her 6-month-old baby in the care of her mother [65] to do some errands in the area where she lived in Guatemala City. Soon after, one of María's nieces came to tell her that "they took the baby away" [66], and immediately, María returned home [67]. According to the account of María's mother, a woman who María had seen with the granddaughter of her sister-in-law had come to the house saying that María had sent her [68]. The woman "had a small bottle in her hand and uncorked it and she [María's mother] had said that she began feeling dizzy," after which María's mother handed the baby to the woman [69].

María suspects that the granddaughter of her sister-in-law was involved in the theft of her daughter, but she asserts that "I had never heard that she [the in-law's granddaughter] had participated formally in [illegal] adoptions" [70]. When María went to look for the baby at the house of that young woman, she did not find her but María thinks that the young woman knew

the whereabouts of the baby [71].

***Juana's case.*** Juana states, "while I was on the road or arriving here in the capital [of Guatemala], a lady stopped me at a bus stop and offered me a job" [72]. Since Juana was in need of work, she agreed to go with the lady and while traveling on the bus, she asked "a bunch of questions" about the baby [73]. According to Juana, after they got off the bus, the lady went to a store "to buy her a soda, in a bag with a straw, and . . . to put a drug in the soda. When a few minutes later, after she had given me this soda, I began to feel dizzy" [74].

When Juana got dizzy from the effects of the drug, "she [the woman] was able to take the baby away" [75] and "instantly my mind went blank. I was totally lost, I no longer felt anything" [76]. When the policemen showed up at the scene of the child theft, they took information about the theft of the baby, but Juana was drugged: "I do not know if I told them everything, I do not know, because at times I could feel, at times no" [77]. People from the neighborhood came to see what had happened to Juana, and soon they found a phone list and called her family, who soon arrived to pick up Juana [78].

***Rosa's case.*** With a shy expression and about to cry, Rosa indicated that the day her daughter was stolen was "the saddest day" of her life [79]. In a few words she relates what happened: "That day I was shopping with my daughter and took my youngest son. When I came back to the house, and when I entered into the house, my daughter went to the courtyard, and when I looked, she had been taken away. A lady had taken her and boarded a taxi" [80]. At that moment, Rosa would have wanted someone to tell her that her daughter had been brought back, "but unfortunately it was not so" [81]. The day of the theft was the day Rosa began searching for her daughter [82], 6 years before interviewing her as part of this research.

## **After the Child Theft**

From the moment the daughters of the three mothers were stolen, they and their families began the search for the daughters' whereabouts. At first, the search for each of the girls was done individually, until they found the Fundación Sobrevivientes and they started working together with other mothers in the search for their daughters; moving forward, first locating their daughters in the adoption files, and then bringing to justice to those responsible for the child thefts and subsequent trafficking of their daughters for adoption. This third and final act presents three key moments that the mothers have experienced in the 6 years following the child thefts.

### **Reporting the Child Theft and Search without Resolution**

***María's case.*** Immediately after María discovered the theft of her baby, she went to report the theft to the police but, as stated, "unfortunately the policeman who was there told me that he could not help me" [83]. When María insisted that the police go looking for the woman who had stolen her baby, she stated, "all he said [was that] he was going to report me for disrespecting his authority" [84]. The policeman reported that he had no staff and did nothing, but in reality as argued by the mother he "had an obligation to do everything possible when I denounced what happened" [85]. "I did not want to sleep" [86], María told me sobbing when interviewed. Weeping, María admitted that after the child theft she "did not want the night to arrive. My breasts were full of milk and I cried when it leaked out, because this meant to me that the baby was starving" [87].

The next day, with the help of her family, María began to file complaints in public institutions and alerted the media about the child theft [88]. After María had reported the granddaughter of her sister-in-law and a detective in the Criminal Investigation Division (DIC) called the young woman, she asked María, "why are you reporting me? . . . if I do not have [the

baby] " [89]. Certain that the young woman had taken part in the theft of her daughter, María pressured her to name the place where she had left the baby [90] but María got no response. Later, the young woman gave statements at the DIC that she was certain that María had sold her baby since María "had had a [prior] pregnancy and had also sold" that baby [91]. Although María assured the investigator that she had not sold her daughter [92], the child theft report was relegated to second priority, and as such, the accuser was turned into the accused.

María told me, "Every time I went to the Public Prosecutor's Office, the investigator always asked me why I was searching for my daughter if I already knew where she was" [93]. Given these insinuations of the public authorities of her involvement in the sale of her daughter, María asserted that if she had sold her daughter, she would have already repented, and if she knew where her daughter was, she would not be looking for her [94]. To which the Public Prosecutor's Office investigator would answer "I do not know, lady . . . but I know that your mom will go to jail if you do not tell me where you went to sell your daughter" [95]. Weeping, María complained, "they had given my mother 24 hours to tell them where the baby was or they were going to put her in jail" [96]. According to María, this accusation was because her mother admitted that it was all her fault because she had taken the baby out of their home [97], even though the lady who stole the baby had drugged the mother to do it.

The theft of her daughter made María devote herself to the search in different ways. María presented the case to the courts where she got a "court order to see if the child was at the orphanages, in case she had been abandoned" [98], and she visited those places almost daily to look for information about her daughter [99]. María admits that she "looked like she was crazy buying newspapers because that is where they released the photos of children that had been abandoned" [100].

On one occasion, María found information about a baby girl who had been abandoned who looked like her daughter. She then asked the judge to have a nuclide dioxide acid or DNA genetic test done [101]. In response "the judge asked me that if I had enough money to do the test" [102]. No matter what the DNA test would cost, María was determined to get the judge to give the order, so she sold her house to get the money [103]. It wasn't until this test proved negative that the court personnel referred María to the Fundación Sobrevivientes, to whom María went to ask for support [104].

***Juana's case.*** According to Juana, the local police to whom she reported the child theft took note of the case but did nothing [105]. Then, the day after her baby was stolen, Juana and her family began "to file complaints with the Human Rights Ombudsman [PDH], Public Prosecutor's Office [PGN], the Children's Courts [Courts for Children and Adolescents], in all courts" [106]. In fact, Juana's entire family, brothers and sisters, brothers-in-law and sisters-in-law, went to file a complaint with the Public Prosecutor's Office and give reports to TV stations and newspapers [107]. The whole family also made flyers that they placed on buses [108]. Juana stated that she put flyers "in that place where they took the baby, I put up fliers; I stuck them on the posts, on the houses. And in that way she generated a lot of publicity about the baby theft " [109].

A lady that Juana did not know, but who had witnessed the child theft and was of the same Christian faith, contacted Juana and said she would help her find her daughter [110]. With the information this collaborator gave her, Juana was able to go with the DIC to conduct a search of the dwelling place of the woman she identifies as the one who stole her daughter [111]. When DIC staff questioned the suspect, she denied stealing the child, and according to authorities, they released this woman for lack of evidence [112]. Juana concludes that while "the authorities give

free will to those cases, [the criminals] do everything they want" [113]. As a result, in the words of Juana, justice would have been done if the suspected woman "were to have been arrested after the raid. But as they let her off, she got away for 3 years" [114].

The search for witnesses was a challenge for Juana because the public prosecutor, from the Public Prosecutor's Office that was handling the case, accused her of having invented the case [115]. Outraged, Juana had questioned the prosecutor, "Why do not you assist me, why do you treat me this way, why you are in favor of the people who harmed me?" [116]. In response the prosecutor threatened to transfer the case to the Villa Nueva office, which is dangerous because it is located in an area of the capital that has a lot of gang activity [117]. Juana suspects that the prosecutor has some unofficial relationship with the woman suspected of stealing her daughter, because that woman told Juana, "I already went to talk to the lawyer of Villa Canales, I went to speak to the judge and we are going to put you in jail " [118]. In this situation, Juana sought help from the Office of Human Rights, but never received a response to her case [119].

***Rosa's case.*** Like the other mothers, Rosa confirmed that the decision to report the theft was because she immediately wanted to know the whereabouts of her stolen daughter [120]. Rosa and her husband began the search for their daughter the day after the child theft, going to different public institutions for help [121]. Both responded to the clues that they gave them, going and living in different places, but days passed and they did not find her [122]. "Until I came to the Public Prosecutor's Office. They told me that there was nothing, that they had not investigated anything" [123]. It was from there that they sent her to the Fundación Sobrevivientes [124].

### **The Solidarity of the Fundación Sobrevivientes and with Other Mothers**

***María's case.*** After considering María's case, the Fundación Sobrevivientes accepted it



[125] because the allegation of the Public Prosecutor's Office that María had sold her baby [126] was a form of violence against her rights [127]. With the pressure that the Fundación Sobrevivientes and the joint action of the mothers exercised on the PGN, this public institution granted them access to the adoption records [128]. As indicated in the background section, the PGN was the institution responsible for processing the adoptions prior to the new adoption law and for handling the transition cases for which the notarized system still applied (CICIG, 2010).

Once the Fundación Sobrevivientes took her case, María became involved with other mothers in the Campaign of Empty Cradles, where she carried out protests in front of the Public Prosecutor's Office, and as in her words: "We also went to the Court [of Rights] and so we remained there several days and the media began to cover the news" [129]. Sobbing, María stated that with the support of the Fundación Sobrevivientes "she maintained the search, and eventually decided to undertake a hunger strike that led her to the National Palace" [130].

María says that although the PGN gave the mothers access to the records, "some files did not have photos, they gave us files from previous years, nothing to do with the dates that we were looking for" [131]. María recounts that they did not help her search for her daughter in the orphanage known as Casa Quivera [132], nor did they help with the searches the mothers did with the Fundación Sobrevivientes in places where they found a child who had been stolen in the same area [133].

When she found the daughter of one of the mothers involved in the Campaign of Empty Cradles, María began to feel hopeful because she stated, "I felt good because it was a light for me to keep looking for my baby"[134]. Although the authorities assured her that the adoption "had its own process" [135], after accessing the migration records María concluded that her daughter was no longer in Guatemala [136]. Sobbing loudly, pausing, breathing, and with a look

of reproach, María asserts that her daughter had left the country, adopted soon after she was stolen [137]"because the adoption lasted 2 months, and 20 days. So it was a quite quick adoption" [138].

Although it was good to know that her daughter was alive [139], María realized that "a long wait" was coming [140]. Crying and with a look of despair, María recalls that "[PNG investigator] that came to my house went to see where the birth certificate was issued and he gave it. And that's how she learned about her whereabouts [her daughter]" [141].

***Juana's case.*** The lawyer from the oversight office of the Public Prosecutor's Office referred Juana to the Fundación Sobrevivientes where "a baby had just been found" [142]. Juana indicated that is how she began searching together with other mothers in similar situations, and where "they told me they were doing public protests in front of the Public Prosecutor's Office, they were doing hunger strikes, and I began to go with them, with "comrades" (*compañeras*) to whom the same thing was happening" [143]. Juana says that since the Public Prosecutor's Office had told her that what she said was false, "the Foundation stood behind them so that they would do something" [144].

Juana believes that through the Fundación Sobrevivientes she was able to move the search process forward, given that it was this private institution that helped her find the photo of the child she identifies as her daughter in the migration files [145]. That was the way Juana learned that the child in the photo was in the United States [146]. Juana underwent a DNA test but a similar test has not been done for the child she identified as her daughter; thus, after 3 years she still has not been able to confirm their biological relationship [147]. Juana states that she does not really need the DNA results because she is sure that the child she has identified as her daughter is in fact her daughter, since she recognized her in the files by the child's distinctive

characteristics, such as that the moles on the identified girl are similar to those that Juana's older daughter has [148].

The Fundación Sobrevivientes helped Juana with transportation expenses to carry out the search for her daughter; she acknowledges that this helped her economically since she had to take care of her other children [149]. Juana's husband did not assume his parental responsibility [150]; on the contrary, he mistreated her and was even jealous of her because when she would come back from searching her daughter he would say, "Are you looking for men?" [151]. As her husband kept repeating this accusation of infidelity [152], she decided to "disobey him" [153]. Moreover, Juana was able to confront her husband, especially when he wanted to beat their children, because she had lived through her father's abuse and violence. With a challenging attitude, Juana would say, "I always said I'm not going to let you [hit me], I will not do this. I have suffered many things but I confront my husband, I do it with intelligence. If he wants to raise his hand to me, then I also have hands" [154]. Now she is also ready to confront the mothers who abuse their children [155]. Such is Juana's determination that she asserts, "I'm not going to die if I do not find a resolution; I'm not dying" [156].

Juana values the strength of the Fundación Sobrevivientes when carrying out their work [157], of protecting the victims. This private nonprofit organization is doing its best and that its staff "has no fear of death because there really is a lot of danger" [158]. She believes that to do their job the Fundación Sobrevivientes has the support of the United Nations [159].

***Rosa's case.*** From the moment that Rosa went to the Fundación Sobrevivientes she felt she began to get results in the search for her stolen daughter, to get "help from the Public Prosecutor's Office [to] go to different places to review photos and maybe to enter those places where children are cared for" [160], in the orphanages. She was also able to go and check the

files in the PGN [161], and the CNA, and after the third time she went she found a photo in the migration files of the child she identifies as her daughter, "but unfortunately she was out of Guatemala, it had been 4 months since she had left" [162]. Although Rosa had the DNA test done to compare it to whom she identifies as her daughter in the migration record, she claims that even before the test she knew that that girl she had identified was her daughter [163].

With the support of the Fundación Sobrevivientes, Rosa could investigate "who had done the adoption, where she [the daughter] was" [164]. Rosa also started holding street protests [165], initially in front of the Public Prosecutor's Office [166]. Rosa clarified that while some mothers give their children away, those mothers were not the ones who carried out the street protests [167]. With them, Rosa went on "a hunger strike for 8 days, in front of the [National] Palace. That strike was so that [the public institutions] would grant them the opportunity to have access to the children, and review their records as they went up for adoption" [168], which they did, and they reviewed the records for 3 months, and although she found no information about her daughter, another mother was able to locate the file of the child whom she identified as her daughter [169].

Rosa and the other mothers continued the street protests [170], and in her case, the government offered a reward of Q75,000 (about US\$ 9,473), announcing it in October 2009 [171]; the reward was for "someone who may know about my daughter, but nothing happened. The ads were placed on doors in different places, and nothing. The reward was announced the month my daughter left [Guatemala]" [172]. The reward was still in effect when the child left the country in December 2009 [173]. Rosa realized this when she found her in the files of migration in March 2010 [174], and during the trial of those processed in the theft and trafficking of her daughter [175].

Through continuing her work with the other mothers, Rosa has been able to bring to trial those responsible for the theft of her daughter, who would not have been processed without the support of the Fundación Sobrevivientes [176]. In due process hearings, Rosa learned that the lawyer who processed the adoption gave the alleged mother a total of Q30,000 (about US\$ 3,795.78), and a lawyer took the child to a caregiver [177], where she suffered [178].

Under the care of this woman, the child "suffered a fracture in her little leg" [179]. When she learned about the injury during an interrogation of this accused woman, it made Rosa "furious" [180]. Rosa mentioned that the doctor who testified as an expert witness in court rejected the caregiver's statement that the child's leg had been fractured due to a fall off of furniture. Rosa noted that during the hearings "the lady was very nervous when she was telling this story. I think maybe she hit her [the child]," she concludes [181]. The caregiver thought the birth mother of the child had been the one who had given the child to the lawyer for adoption and then the child had been taken to Asociación Primavera but she "never knew that the baby had been stolen, she took care of her because the person who left her there had said she was going to be adopted" [182].

Rosa is convinced that her daughter was taken to the PGN, "on purpose so she could not identify her . . . [without] the opportunity of identifying her when she was in Guatemala" [183]. Rosa regrets that her daughter was nearby when she visited the CNA [National Council of Adoptions] "and not knowing where she was, she passed the same block. But learned about this after the raids that took place [Asociación Primavera] where they had her" [184]. Rosa believes that if her daughter had been with her, she would not have suffered this way; she asserts that "I used to take care of her when she was with me because she was tiny. I knew her very well; she was quite active, and quite smart" [185].

Rosa had a very different experience when she arrived at the Fundación Sobrevivientes; through them she was able to get a permit to view the adoption records [186], and eventually found the child who she identified as her daughter. She says that the Fundación Sobrevivientes "has helped me a lot. Through them, I was able to find the photo of the baby. Otherwise, I would have been in the same situation, waiting for help from the Public Prosecutor's Office and that never did anything" [187]. Rosa is happy to have received the support of the Fundación Sobrevivientes [188].

### **The Pursuit of Justice, Reparation, and Awaiting Case Resolution**

*María's case.* María narrates how in her search, public authorities accused her of having sold her daughter; she says, "It was the first thing they [staff from the Public Prosecutor's Office] started with, and they were violating my rights as a mother and the right of my baby to grow up with me" [189]. In addition to violating the rights of her innocent daughter, María also feels that they have violated her rights as a woman [190]. María admits she found in the Fundación Sobrevivientes people who could help her defend her rights "because I walked a long time [fighting alone] and no one would listen"[191].

Regarding the quest for justice and reparation in her case, María affirmed that "when the baby was stolen, the government of [Alfonso] Portillo was in power. Then [the search] took place during the term of [Alvaro] Colom, who promised to help me and never helped me" [192]. She is now waiting for the support of the administration of President Otto Perez Molina, "because I think that is his obligation. But I do not know really because they are military and who knows if they have feelings" [193]. María demands: "Why can the government of Guatemala not demand that our daughters be sent back? Maybe they would not be returned but maybe we could see our daughters, which is what we want" [194].

***Juana's case.*** Juana is convinced that the theft of her daughter violated her parental rights; she declares that "they violated my rights as a mother because they did not let [me] raise my baby by my own, as a mother must do raising her daughter" [195], as well as "the right to educate my daughter, discipline her, teach her a better way" [196]. She said "the love of a mother never compares with someone who has not given birth to a baby" [197]. Juana affirms that those who have her daughter cannot feel and understand her pain, as a mother [198], especially the "gringos" (U.S. citizens and the government) [199].

The adoptive family has "rights based on a falsely signed paper" [200], and these are the people who do not have a legitimate right because the papers are fake [201]. Those who "have violated my right . . . [when] they signed false papers" [202], Juana states, are the people who adopt illegally and "do not want to return the children because they may have paid large amounts of money, what do I know, maybe they bribed the lawyers responsible for this [the adoption]" [203].

Crying, Juana makes the point that while the adoptive family paid whatever amount of money for the adoption "that's not what it's worth, because the pain of the mothers here [in Guatemala] cannot be fixed with money" [204]. She asserts that she could not find comfort "even if they were to give me the entire world, everything that you see . . . it can not happen" [204]. Juana thinks that the adoptive family does not understand that money is not what is worth the most [205], because even if she were to live humbly, she would live in peace, more whole and healthy, in her own words, "even if I did not have a nice home, no meat to eat, not much else to eat, I would eat in peace even if it were with a cup of *atol* [corn-based drink], even if I could barely survive the day, but I would live fully, with health " [206].

Juana argues that "the rights I have, I believe God has given them to me. For God did not

get confused when he gave the baby girl to me" [207]. This divine right is complemented by her "blood right" as the biological mother [208] and other [women] who have not been fertile do not have it [209]. Juana wonders just how far women in the United States who cannot procreate are willing to go while harming others, given a fertile uterus cannot be bought [210]. In her cry for her rights, Juana demands comprehension and understanding from those who have her baby [211]. She hopes that someday the adoptive family understands that what she is doing is "demanding her own right" [212]. She believes that it does not matter if the infertile woman pray, "what God has given one is priceless" [213]. Juana confirms that only God can give the ability to give birth to a daughter or son [214].

Juana argues that her daughter had a similar experience, as she also "had her rights violated because she was not able to grow up with the love of her legitimate mom" [215]. She thinks that "when she grows up, when she learns she is not growing with her real mother, I think this will hurt her. I think maybe this could cause her trauma, could cause her depression" [216].

***Rosa's case.*** Rosa has the idea that the Public Prosecutor's Office has enough lawyers to follow up on the cases; she thinks that what is needed is collaboration with the families searching for their stolen children [217]. According to Rosa, the lack of appropriate monitoring by the Public Prosecutor's Office in San Miguel Petapa was noticeable when no other attorney was assigned to the case after the assigned lawyer to the case died, until with the support of the Fundación Sobrevivientes she was able to get a new prosecutor assigned to the case [218]. This happened until the case was transferred to the Public Prosecutor's Office in Gerona, who according to Rosa is doing a good job [219].

Rosa had the same experience with the courts, where "the record was the same as it was when she made the complaint. They had done nothing. And they would say come such a day to



see if we know anything, and that day would come and they never, never [had news]" [220]. The response of the Children's Court was also delayed because it took 3 months to give her permission to look for her child in the orphanages [221]. Rosa indicated that the service of public institutions could be improved by changing the personnel "with one that really thinks about the needs of other people" [222].

When Rosa found the child whom she identifies as her daughter in the migration files, she knew her daughter was already out of Guatemala and had been adopted in the United States; she was hoping to find her before she had left the country, and it caused her much pain knowing that it had happened otherwise [223]. Although her daughter had been in Guatemala for 2 years after the child theft, Rosa laments that for "those 2 years I could not find her" [224], and all that she found was a photo of her daughter [225], 2 years older.

Although Rosa keeps the hope that they "return" her [daughter] [226], having to attend criminal trials is hard for her, "one, it makes me angry to see them because of what they did, and because I'm afraid, because if they did that to me and my daughter, they can do worse [uglier] things to me. That makes me, it makes me feel really terrible sometimes " [227]. What Rosa wants the most is "to abandon those [legal] processes and go to the United States to see if anyone there could help me get my little girl back" [228], because she cannot "continue here doing nothing, because I cannot do anything to get her back. But no, I do not find anyone or anything like an opportunity to go, I do not know, in order to go [to the United States]" [229].

Rosa had the opportunity to see a video of her daughter with her adoptive family in the United States, in which she saw her happy, just like when she was with her, which pleased her but she is afraid that the child does not know she was stolen [230]. With vivid memories of living with her daughter, Rosa imagines that the child "may be more mischievous than when she

was with me. She was smart. She was quite enchanting. She would paint her face. She looked at herself a lot in the mirror. I made her a lot of pony and pigtails [with her hair], I braided it, and she would put on her *licritas* [lycra pants]. And she liked that because she would go to see herself in the mirror" [231].

Crying and with an anxious expression, Rosa imagines being reunited with her daughter, but always ends up crying because she thinks it is only in her imagination that she will ever see her again; however, she asks herself: "What can I do to explain to her what happened?" [232]. Rosa also imagines that they bring her daughter from the United States to Guatemala or that she travels to the United States to meet her, but immediately clarifies, "I think about many things but unfortunately nothing that I imagine happens" [233]. Just to think about meeting her daughter again makes Rosa content, happy, but those thoughts also make her feel sad, although she says that she maintains the hope to see her again [234].

Rosa points out that she will keep up hope until she is told that nothing else can be done in her case, and even then, since the child is not with her, "I will always be making an effort to get there and tell her the truth even if she is older" [235], Rosa states firmly. Rosa believes that her daughter would not know who her biological mother is, and that she was stolen; she confirms "I would tell her, I do not know how she would react, but I would tell her that I love her, that I've missed her all of these years. And I would beg her to come back to me. And I would tell her what a mother tells her children " [236], such as that "I love her, I love her, I would hug her strongly, that is, it would be a very special moment for me if that day were to come" [237].

## **Part II Case Study: Lessons Learned**

The narration of the events by the three mothers participating in this research presented above tells us their experiences of what happened before, during, and after the theft of their

daughters. The lessons presented here are those that participants told me during the interviews. Outlined below, these lessons have been grouped into the three categories, identified from the contrast and comparison of the multiple emerging themes from the hermeneutic dialectic process. A list of these constructivist categories, in relation to the emerging themes and identified subcategories can be found at the end of this chapter.

### **Victims of Persistent Oppression: Multiple Forms of Victimization**

According to the stories told by the interviewed mothers, each suffered multiple forms of victimization. All of these forms of victimization are collected in the stories. An analysis of the participants' reflections is presented in the last section, the discussion of lessons learned.

***María's case.*** The accusations and threats the investigator of the Public Prosecutor's Office against María upset her so much that she went to file a complaint at the Public Prosecutor's Office [238]. María explained that the Public Prosecutor's Office investigator "no longer was accusing me of selling the baby, but ignored me" [239], and was warning her ". . . you are not going to tell me what I do" [240]. María regrets the attitude of this public servant because "when he realized he had been wrong" [241], he had given the opportunity to the traffickers to get her daughter out of the country to the United States, after being adopted.

The baby's theft and the accusations the Public Prosecutor's Office staff caused María and her mother much pain and affected the health of María's mother, to the point of giving her a stroke and four cardiac arrests [242]. Since the abduction, María's mother has blamed herself for the theft of the baby [243], but María reminds her that this "could have happened to me . . . it could have happened, I do not know, to anyone" [244], and that "the only thing left to do is to find the baby" [245]. Given that her mother is older [246], María makes an effort not to get her mother involved in the search and asked her not to ask questions. Nor does María remind her

about what happened [247]. María does not resent nor hate her mother, "because she was also a victim of those people [baby stealers]. Because I imagine if she had known that they were going to steal the baby, she had not brought her [outside the house]" [248]. During the second stage/wave of revisions to this report, the researcher learned that this situation eventually led to the death of María's mother in November 2012.

María does not like her family to see that she suffers [249], saying "I feel that the pain is only mine and no one else's" [250]. Although her sister wants to talk to her, she does not give her the opportunity, nor the space to do so [251]. María wants the child theft "not to have happened and never to have happened to her, so that she would not have to live all this pain" [252]. María regrets that her daughter was snatched from her because "in taking her they took away so much hope that I had" [253].

The search now has led María to feel that she has abandoned her other children, particularly the eldest son whom she left with her mother-in-law [254]. With a certain sense of guilt, María pointed out that "before I had my business and I worked at home, my children did not lack anything" [255]. In fact, María admits that the theft of her daughter has "completely changed" her life and that discourages her [256]. At times María tells herself: "this is it, no more, I no longer can stand this, I can not any longer" [257], because she cannot stop thinking about this situation [258]. María wants it all to end so that she may some inner peace [259], because "I'm doing what I'm doing and suddenly I'm crying" [260]. María constantly has wanted to get ahead but she feels that she cannot; instead "I feel like I'm in the clouds, as if life is not worth anything" [261].

María feels that the theft of her daughter has made her lose 6 years of life together with her daughter [262] and has caused a "great rift in my family" [263]. To prevent her family from

worrying, María does not tell them the details of the search and what she does when she leaves the house; they only learn it through the newspapers [264]. María says, "For that reason, I barely bring up the subject with them [the family], nothing, nothing. They only know that she has appeared [in the records] and is in the United States" [265].

María affirms that the Human Trafficking Unit of the DIC in the Public Prosecutor's Office found alterations in the birth certificate of the child she identifies as her daughter [266]. Furthermore, "the midwife who allegedly attended the child birth, she said that she had not assisted the lady who said she had given birth, rather they had brought her a form and had forced her to sign it" [267]. According to María, the lawyer who processed the adoption refuses to identify who appears as the mother of the child in the birth certificate because "he says that he fears for her life because she has been manipulated or so that she not be manipulated" [268]. Although the Deputy Mayor responsible for the adoption is on probation, he is still under investigation [269].

The losses that María had were many and great. María regrets that when her daughter was stolen "in the despair I had, I wanted to find her and I sold my house, because I was told I needed money to get the DNA tests. I paid for three DNAs" [270]. In her anguish to get the money for the DNA tests and find her daughter, María sold her house for Q60,000 (about US\$7,613); the house is now valued at Q150,000 (about US\$19,034), losing Q90,000 (about US\$11,368) on it [271]. After selling the house, she has had to pay rent, spending a total of Q120,000 (about US\$15,226) in 2 years [272].

The losses were not only material, she also lost job opportunities. María operated a small business that generated a weekly income of Q3,000 (about US\$379) from selling *piñatas*; she also lost her capital investment, which she estimated at Q7,000 (about \$884) [273]. She spent

what she had invested on transportation expenses for over 2 years of Q25,000 (about \$3,157) [274], and in food expenses Q24,000 (\$3,031) per year [275]. María's mental health deteriorated and she was hospitalized in a sanatorium or mental care center where she spent Q2,800 (about \$354) [276]. The treatment included prescription drugs that costed about Q195,000 (about \$24,632) during the first year and a half [277]; that is not counting the cost incurred in the next 3 years in medicines, and skin treatment [278]. In total, María lost or spent about Q492,800 or nearly half a million *quetzals* (\$63,263) [279]. However, María confirmed that the loss of a daughter "has no price" [280].

***Juana's case.*** Before the child theft, Juana never thought she would lose her daughter [281]. Now she realizes that it is not fair for her daughter's case to be ignored [282], for "this case to be left pending, as if it were sleeping" [283]. With rage in her eyes, Juana describes how the authorities did not place importance on her case [284].

For Juana, the theft of her daughter has been "the most painful that anything could have been since it was done without one's consent, that is the violation of the most profound of rights, life" [285]. Crying, Juana points out that she would have preferred that her daughter had died in an accident because "even a lump of flesh would have been collected, so that she could have buried it and she would be at peace, not running from one place to another, wasting her life all the time " [286]. Juana confesses that during the child theft she felt "as if someone had thrown hot water on me, as if suddenly a flame had reached me, passed through me" [287]. The birthdays of her daughter are difficult for Juana, so she is not motivated to celebrate them [288].

Juana explains a dream she had before her baby was stolen, in which she heard a voice from heaven telling her that she had to be brave; she acknowledges with great pain that if she was not brave, "I would have killed myself, maybe I would have poisoned me, as to no longer

feel the pain" [289]. In the same dream, "a fire came to consume me, and I felt that pain, which I felt when my baby was stolen" [290]. Frequently, Juana dreams of her daughter growing up in the United States, and that she feeds her and takes her out, as if "I've been with her all the time, always in dreams" [291].

Juana says that she dreams frequently of her daughter: "I dream that she came back and we met, and that the media came, we were partying; I dream of all that, and then awake, nothing, and begin to cry" [292]. Juana cries all night while wondering: "Why is there no resolution? And why is life like this? Am I like an animal to important people [those in authority]? . . . Why did I have to suffer this pain?" [293].

Juana recognizes that "the theft of her baby affected the whole family at that time" [294]. A sister who was pregnant when Juana's daughter was stolen lost her own baby due to the grief and sadness she felt when her niece was stolen; her other two sisters also became ill [295]. Her children were also affected, "their grades went down, their exam grades went down; they could no longer study. Yes, they attended school but they paid no attention to their studies" [296]. The eldest son stopped studying altogether [297] and became severely ill, given that the child theft deeply affected him [298].

Although Juana did not get sick, she felt great sorrow for the loss of her daughter [299], as if she were "living in hell" [300], because "it is a pain that has no name" [301]. Juana felt as if she were "not standing on earth. Not only did I feel the suffering in my body but I felt like a real fire was burning, I could not bear it" [302]. Juana tells me "my bones hurt, for a long time I have been this way and that makes me also cry" [303]. Since the child theft, Juana has felt as if "nailed to a cross and stones, they were throwing stones at me" [304], and "as if they have not taken me down from the cross. And the burden is very heavy, the path difficult" [305]. In fact, Juana did

not feel free, but rather "abandoned in darkness or in a desert that doesn't exist" [306]. Juana affirms that "damage to health, I think, is priceless; it cannot be bought or sold" [307].

Juana says what hurts more are her feet, but she feels the pain in her whole body [308]. Juana thinks that of those who stole her daughter, "It would have been better for them to have taken my head off and taken my life at the time, why to suffer more throughout my whole life?" [309]. Juana feels as if she had suffered and died over and over again, as if she had been beaten, wounded, and crucified [310]. Juana says that losing a child is something inexplicable [311]. With certainty and hopelessness, Juana declares, "I do not trust the authorities. I do not believe you can expect anything from them. Perhaps I will die first. And as all the petitions, perhaps are filed away, everything will stay flied away" [312].

Crying, Juana complained of what the DIC did to her, they mistreated her and made fun of her when they said, "Have you regretted selling your baby; you regret it, right?" [313]. Juana complains about the fact that "she went there in pain and all, and instead of comforting her, they told her that. They killed me!" [314]. Juana says she was never accused that way at the Fundación Sobrevivientes [315].

Juana asserts that the people and government of the United States "look at us as if at any thing . . . just because we have no money, just because they we do not have [animal] furs. Maybe it is that we do not have our name on any company, or some big position" [316]. She concludes that "if the government of the United States were to think a little about the little ones. Maybe for them, perhaps we seem like ants, but really we have petitions, we have needs, we are people, just like them, we are humans, they have no real difference, the only difference is perhaps that they have money or a lot of education" [317].

Another form of victimization that Juana suffered was from her mother-in-law and other



people in her community who claimed that she had sold her baby [318]. Juana reports she felt embarrassed when people whispered about her: "I would enter the church, I felt naked. I went out on the street, I felt naked. I felt that all people was watching me, I was ashamed that they were telling [others] that I sold my baby. All sorts of gossip came out" [319]. Enraged, Juana wanted her family and community to stop accusing her, and she pointed out that these were the same type of accusations that she had received at the DIC [320].

Juana and her family also had many losses. Her son owned a large workshop, which he lost for a total of Q25,000 (about \$3,158) [321]. During the search, he sold the bikes and engines to pay for travel expenses for the search [322]. Crying, Juana remembers that to pay the expenses associated with the search she also started selling and losing everything she owned [323]. In fact, instead of paying her debts, they grew [324], "so it finished us off, economically, this situation finished us off" [325], economically. For example, a loan of Q4,000 (about \$505), it increased with arrears to Q30,000 (about \$3,790) [326], and added to another loan that she had, in total, her debt came to about Q60,000 (about \$7,579) [327] and she had to sell a piece of land she had inherited to pay that debt [328]. When Juana sold the land, she received Q20,000 (about \$2,526), and now this property has a value of Q60,000 (about \$7,579) [329], so she lost about Q40,000 (about \$5,053).

Juana lamented having lost their traditional woven goods, which had great significance for her because they constituted part of her indigenous heritage; she estimated they valued between Q8,000 to Q10,000 (\$1,010 to \$1,263) [330]. She mentioned that after the child theft "everything was up for grabs in my house; I sold my clothes, my traditional woven clothes, my very expensive clothes" [331]. Juana also had to close the vegetable business that she had at home [332], and the only economic activity she was left with was doing crafts, which she still

does part time [333].

Juana states that since the theft of her daughter, she has not been able to have her own business due to the search, as she always has had to travel somewhere and leave everything [334]. Juana estimated that over 4 years in transportation expenses only, she spent Q80,000 and Q100,000 (\$10,105 to \$12,632), and in the next 3 years about Q40,000 (about \$5,053) given that the Fundación Sobrevivientes was helping her [335]. Before this happened, Juana spent a lot of in the search for her daughter [336]. For example, she spent about Q200 (about \$25) per trip, per day, 20 days a month [337]; in 2 years, total spending came to Q120,000 (about \$15,158) [338]. Adding up these and other expenses and losses results in a total of more Q400,000 (about \$50,527) [339]. This amount does not include hospital expenses related to two operations she underwent since her baby was stolen [340].

In spite of personal safety concerns, Juana decided to stay in the same place where she lived, trusting that only what God wanted to happen, would happen [341]. According to Juana, sadness, depression, and memory loss is what child theft leaves in the victims [342]. Apart from these losses, Juana complained, "I lost my days, my years, and spending little by little, without taking care of my family, disregarding my commitments. . . . So that's how it was done, scarcity, let's say, in my family" [343].

**Rosa's case.** After Rosa and her husband made the child theft complaint with the local police, the PDH, and the Public Prosecutor's Office [344], they waited for "them to help me, to put warnings and stop any taxi, to talk to me to see where they could find the person [who stole her]. I expected enough support from them, but no" [345]. According to Rosa, none of these institutions conducted investigations into the case, although she hoped they would help her find her daughter before she was taken out of Guatemala [346]. At the time, when the theft occurred,

the families of the victims of child theft had to wait 24 hours before the public authorities could begin the search, giving child traffickers the chance to take the children out of the country [347].

The public authorities did not perform raids on places where Rosa and her husband had information that they were trafficking children and where they could have possibly had her daughter until 3 days after receiving the information [348]. During those 3 days of waiting, Rosa and her husband did their own investigation about the house of "a lady who was also giving children up for adoption. . . . [and where] children were crying . . . and when the raid was made, there was no child" after they saw that minors were being evacuated during the night [349]. Rose concludes that "the police have a lot of the blame for failing to act immediately" [350].

Rosa affirms that the expenses during the 6 years of searching for her daughter were "too much" and would not know how to calculate them [351]. With a little help, the expenses were calculated. She estimated spending about Q2,000 (about \$253) in the production of flyers for each lead they followed, and some Q1,200 (about \$1,516) in monthly transportation expenses to make visits to foster homes, to put announcements, and to go with the police to make searches of the houses of suspects [352].

Since their daughter was stolen, Rosa's husband did not work so that he could dedicate himself to the search and he lost his monthly income as Q5,000 (about \$632) per month [353]. Because of that, they could not pay the rent on the house where they lived when their daughter's theft occurred [354]. When they moved from their home to avoid being persecuted by those accused of human trafficking, Rosa and her family lost Q7,500 (about \$947) in furniture [355]. By medical order, Rosa also spent money on "vitamins for my brain, because I was using it too much, but it was of little help, I always forget things. And after talked a great deal, I only recall a little bit" [356]. After making an estimate of expenses and losses during the 6 years of searching,

Rosa agreed that she had spent about a half a million quetzals (about \$63,263), though there were other expenses she could not remember [357], "since one goes on spending and spending and is not taking note of it . . . maybe yes because it has been quite a lot" [358].

### **Strengthening Adaptive Capacities: Complex Forms of Survival**

The adaptive capacities of the participants are evident in their stories, in their persistence in the pursuit of justice and resolution of their cases. Some of these capacities tend to be innate and others were developed in the course of the 6 years of search since the theft of their daughters. Below are complex forms of survival that participants had to develop from the theft of their daughters to the time they were interviewed.

***María's case.*** María recognizes that the international adoption of her daughter has brought joy to the adoptive family but a daily martyrdom to her [359]. Although she carries a photo of her daughter with her all the time [360], María says that this does not fulfill her [361]. María prefers that her daughter be returned [362], but admits that "I know of the suffering she [the child] would have at the hour of being separated" from her adoptive family [363]. In fact, this Guatemalan mother says that the fact that her daughter is with her adoptive family is not what she would have wanted [364], but she would be satisfied if the adoptive family would "allow her to get close to her [the child] and tell her what happened" [365].

María would be willing to go to work in the home of the adoptive parents of the child she has identifies as her daughter "as long as I win her [the child's] affection, because I do not want to lose her [affection]" [366]. What María is looking for is that when her daughter grows up that she understand what happened [367]. María believes there "evidence about what I have been doing since the first moment she was stolen, there is a lot of things I've done to recover her" [368]. María wants her message to be heard by all adoptive families so that "all people who

adopt children, make sure that their children not be stolen, so there are no victims as has been in my case" [369].

María suffers a lot when her 11-year-old son asks her, "When are you going to bring my little girl?" [370]; he refuses to throw away his sister's clothes, waiting for her return [371]. Although María feels like the child theft "just happened" recently, her son has grown since then and now has begun to defend her against people who criticize her for continuing the search for his sister [372].

The hunger strikes María and other mothers carried out moved their search forward but had some unexpected results. After the hunger strike, María realized she was almost 5 months pregnant [373]. She had many health complications and was taken to hospital [374]. She left the decision up to the doctor about how to proceed with her pregnancy [375]. To save the life of both, the doctor performed a Caesarean and she took the opportunity to ask him to sterilize her because she was a single mother [376]. Since the baby weighed only 2 pounds, she did not survive in the incubator [377]. María thought this baby "had replaced the girl who was stolen. But she also died on me" [378]. In fact, her sister saw her and "told me she was exactly like the one that they had stolen from me" [379], and the doctor forbade her to see the baby that died [380]. María claims she "was still able to see her, when alive. But they said that in the hospital at that time there was an infection that was killing children and I think she was contaminated" [381].

During the search María was kidnapped by people she suspects being involved in the trafficking of another mother's daughter. The people who kidnapped her were armed and they forced her to get into their car that they drove around while they interrogated her about where the other mother who was looking for her child lived [382]. Although the kidnappers threatened her

with a gun and offered her Q10,000 (about US\$ 1,265) in exchange for information, she did not know where the other mother lived [383]. Concerned that the kidnappers would do something to her children [384], María abandoned her house immediately after the kidnapping [385]. She is thankful to God that she was not hurt [386] and that "I'm still alive" [387], even when she thinks the kidnappers have located her again [388]. María says that given that the kidnappers "told me that if I said something they were going to kill my children, we took my kids from where they were to another location. But with time passing, nothing happened" [389].

When María and the other mothers met with the Vice-President Rafael Espada, María told him about the kidnapping and all he said was, "Be more careful on the next day, be more careful to walk in the street, and use precaution. That was all he said, and nothing more, that was it." [390]. After that meeting, with the support of the Fundación Sobrevivientes, María went to file a complaint and constructed a photo-robot, she said, "when I showed the picture [to the police] they told me they already had a photograph of him [the kidnapper] [391]. María states that the kidnapper she reported was arrested, "They took me to the hearing, I had to be present when he was taken into custody, and imprisoned him" [392]. María is now worried that the kidnapper is close to completing his sentence because "what I know is that they followed me to my where I live again." [393]. After telling the Fundación Sobrevivientes, María abandoned her house once again, and is now living elsewhere [394].

***Juana's case.*** One of the sources of strength Juana has is prayer, and every day she asks God for strength, so that she not give up, that she care for her children, continue the search for her stolen daughter, and not lose hope for as long she has life [395]. Juana asks God "that I not shut, that I not grow weary, that I not faint, because the truth is that my body feels very dizzy" [396]. Juana has made many efforts in the search for her daughter; "I would go to some area and

back again. I walked on foot, I went in bus, I used up all of my money" [397]. She asked God to help her find an institution that would support her in the search for her daughter [398] and she found the Fundación Sobrevivientes. Finding this nonprofit institution made her recall a dream she had had with angels, when she had already lost hope that the public authorities would help her find her baby [399].

Juana says that "when I lose strength, when I pray, I pray like that, screaming and everything, I scream and when I scream it is like venting and I feel like the strength comes back and I feel better, from so much screaming, I feel better" [400]. Juana recognizes that people who feel this pain think of killing themselves and indeed many commit suicide because nobody cares about their problems, and their family remains sick and crying [401].

Juana's Christian faith and her conviction that she will find her daughter has kept her determined in her search, helping her to face all the pain [402]. Juana admits that "at times it feels like all the sadness comes together and I begin to cry, a lot, a real lot, I vent quite a bit [talking faster], and only then I rest again" [403]. Crying, Juana says that she does not want to die without seeing and meeting again with her baby [404]; to her, it does not matter if the wait lasts an eternity [405].

Therefore, Juana is asking that someone with a good heart and good economic conditions in the United States help her to follow up on the case in that country [406]. She thinks it would be good to have a foundation in the United States to fight for the rights of Guatemalan mothers whose babies were stolen, and to help resolve their cases in that country [407]. Disappointed about the performance of public institutions in Guatemala, Juana would like the intervention of someone to help her "have a direct personal encounter" with the adoptive family [408]. Juana asked God to help her ease her pain, as she had to take care of her other children [409]. She asks

God, "When am I going to find her?" [410].

Juana describes how the Public Prosecutor's Office asked for receipts in order to account for what she lost and consider a reparation claim, and she complains, "What receipts can one give them? Do we work with computers, with itemized bills? The loss just happened, little by little, one loses everything" [411]. Although she had no proof of what she lost, she said she could talk about it [412].

***Rosa's case.*** Rosa remembers the day her daughter was stolen "as if it were yesterday, it is something I have never forgotten. And especially now that she has grown, her presence is missed at home. So in my home, she is missed immensely. All of this that happened to me affects me quite a lot" [413]. In fact, the theft of her daughter affected the entire family, "me and my husband, my sons because they miss her. To me especially because she was the only daughter, [I only have] my two boys. It has affected me too much" [414]. While her brothers-in-law did not help her with the search [415], a sister-in-law encouraged her to continue, to keep "fighting to find the baby" [but to drop the legal cases] [416].

Rosa does not like telling other people about what happened, "few people know of my situation. Most of all, I do not like them asking questions, it makes me uncomfortable to answer them" [417]. She is afraid that the people who stole her daughter may find her; in fact, "a few months ago someone told her of the arrival of some men, very strange ones, asking for me. But because I'm not well known there, no one gave them information. What I was told is that they were bad people" [418]. More than fearing for her own life Rosa fears for the life of her children, who would suffer if they become orphans, because "if they were to hurt me, the ones who would suffer would be them. So I'm very concerned that they may hurt me" [419]. Furthermore, Rosa is afraid when she should attend the hearings of the people who are being prosecuted for stealing



her daughter [420].

Rosa laments that after the theft of her daughter, the family is "always focused on that. So, it isn't likely to have the family together and think about anything else than that" [421]. Rosa asserts that the child theft is "something horrible, it cannot be explained, what one feels. It is something only the person who has lived it can feel" [422]. A vivid memory Rosa has is when she found the picture of the child in the migration files in the CNA; she says "It's horrible. But with just knowing where she is living and that a process exists so that maybe someday I will get to see her or have her back, one can console oneself [thinking] of that moment" [423]. Before finding the one who she identifies as her daughter in the files, Rosa felt sad and desperate not knowing where she was, but she feels that even knowing she cannot have her back [424].

In fact, Rosa is determined to see her daughter again [425], given that their children "say they would like her to be there with them" [426]. Her husband, who still buys and saves presents for her daughter [427], decided to leave Guatemala to continue from abroad the fight for the return of their daughter [428]. Rosa reiterates once again that "I have to see her. If I can no longer have her, definitely I can see her at times, talk to her. If now older she does not want to come back with me at least I can have communication with her; because the worst is not to have communication with her and for her not to know [what happened]" [429].

### **Development of Social Resilience: Various Forms of Self-Advocacy and Public Advocacy**

When the three mothers began to search for their daughters immediately after human traffickers abducted their children, they were focused on their own cases. As they began to count on the support of other mothers and they involved themselves with other mothers in their quest for justice and a resolution of their cases, the interviewed mothers moved from self-advocacy for their individual cases to working together for justice and resolution of their cases. They also

supported the cases of other mothers, including mothers who were not part of the Empty Cradles Campaign. Furthermore, the struggle went from self-advocacy to changes in the functioning and response of public institutions, as well as policies and laws relevant to the theft of children in Guatemala.

***María's case.*** María indicates that staff from public institutions "told us they were going to support us, but if they had wanted to support us, we would already have a positive or negative DNA" [430]. María confirms that even after 3 years of negotiations "between states . . . we have not been given an answer. Not even with regard to the DNA [test]" [431]. Although the DNA test would allow them to confirm the identity of the child she identified [432], María is certain that she is her daughter [433]. She confirms that "if a child who has a positive DNA is not returned, then, for us [the mothers of other stolen children], there is no return [of the children] either" [434]. With faltering voice and watery eyes, María admits that since the United States is not helping with her case, she believes she will never see her daughter again [435]. María is of the opinion that if the adoptive family does not want to give her daughter back, they may not do so but at least they should acknowledge "that they are with something that does not belong to them," even though she does not expect them to accept this [436].

María says that before the child theft, "we were happy but now we do not have that peace. We are living and everything because we have to continue living but the truth is that sometimes one feels like one is nothing" [437]. However, she admits that "it is better not to speak of it. Because it hurts [and] one wants to forget but cannot " [438], and the fight becomes a fight in vain [439]. María feels that the United States is unfair with Guatemalan mothers because she knows of an adoptive family that "bought [the child of another mother] and we knew of her pain [of the biological mother]" [440]. Moreover, she thinks that that adoptive family should

"think about the welfare of the child, not in economic things, but in her happiness and if they want the child to be happy, they should return her [the child] to her mom and siblings" [441].

María is convinced that the racial difference matters a lot in the United States. Children "feel rejected even if they have all the wealth in the world, but there is always something they have in their hearts" [442]. Thinking about the welfare of the stolen children, María believes that if they come to "realize what happened, only God knows what their reaction will be towards their adoptive parents because their biological parents did suffer" [443]. María believes that mothers whose children were stolen "are not at fault for what occurred, nor did they [the daughters] have to go to a totally different place because of necessity. There yes, money is not everything in life and someday they will understand" [444]. Regardless of where the stolen girls are, the mothers "have done everything that was in our power, but not even by risking our own lives have we been able to go where they are" [445].

María says that if the United States were to assume responsibility in the search for their daughters, "we would already be calmer knowing that our daughters are the ones who are there" [446]. She suggests that that country should commit itself at least "to bring them even for a visit to Guatemala so that they may not forget their origin . . . Because they robbed them of their origin and they robbed them of their homeland" [447].

María's determination to find her daughter makes her declare that "I do not care if all the money in my household goes to it, but I want to meet her" [448]. María thinks that the adoptive family knows that the child they adopted "is stolen, and they have not even made a phone call about it. To say the least, they do not agree with doing the DNA or allowing me to get close to her" [449]. But María keeps hoping and waiting for "a miracle of God" (P1-1, Q82, 332, 9), that will enable her to see her daughter again [450].

María says "in the Fundación Sobrevivientes, I have received very good service, from the lawyers as well as the [social] workers" [451]. Although the Empty Cradles Campaign was not active at the time of these interviews, María says that they may need to restart it to get the DNA results [452], as the campaign "helped to call attention to the struggle we had" [453]. María says that in their struggle they motivated other women whose children were stolen to report their cases, "and based on the Empty Cradles Campaign they were able to get the [ratification of the] Alba-Kenneth Alert [system]" [454]. María recognized that she was struggling alone and that "everything I did, I did it, maybe I did not do it well, but I did it. And I never would have had an answer as I have had one lately [with the solidarity of other mothers]" [455].

In essence, the participant knew what the Alba-Kenneth Alert system entailed, which she explained in her own words: "It means that now my child is stolen, and I alert the authorities and they are required to broadcast it, even the firefighters participate in this search, all the neighbors" [456]. María believes that if this system had become law before the child theft had occurred, then perhaps her daughter would not have been adopted in the United States [457]. María is of the opinion that the services of public institutions can be improved with "honesty" and "will" on the part of the people who work on the cases [458]. For the Alba-Kenneth Alert system to work, public authorities must have "committed people" to obtain favorable results for the mothers looking for their stolen children [459]. According to María, paying more attention to those who steal children gives more opportunity to the lawyers to sell children [460].

María makes the commitment that other women suffering due to child theft may have "more possibilities of getting their children back before they leave the country [adopted]" [461]. Also, María and other mothers supported a young mother who was desperate and "had promised to take her own life if she did not find her daughter" [462]. For María and other mothers, the

searching path brought them "enough experiences, sorrows, and joys. So it's something that despite much pain we can still smile" [463].

María states that she planted seeds in other mothers so "it not as hard on them as it was on us. Because yes, it was really difficult for us [to find their daughters]" [464]. She also recognizes that the group of U.S. women who joined the hunger strike made "a very grand gesture . . . because to struggle against your own citizens takes a lot of courage" [465]. María would have liked if the adoptive family would stand in solidarity with her, "how good that would have been because it would have calmed the pain I feel" [466].

María points out that Sen. Mary Landrieu of Louisiana, with whom the searching mothers met, said she "would support them but they had no support from her. They had no response, nothing" [467]. In fact, the important people like her make the mothers waste their time," as if we were their toys because they say they feel our pain but that is a lie, because they have looked at us as though we were nothing" [468]. María asserts that "here in Guatemala, the mothers met with people from the Government after the hunger strike, we met with the First Lady Sandra Torres" and others from public institutions [469], but she says "we never had any [resolution]" from them [470], not even from the President of the Republic of Guatemala [471].

María noted that the same people who stole her daughter from her, stole an infant from another young woman, affirming that they "were the same people who stole her [my daughter] from me" [472]. While searching for her daughter in the adoption files, María found that infant because the other mother had given her a photo of the baby [473]. Two days later, "I found her in the Family Court. I warned her, we went and everything and it was her baby girl" [474]. In regards to the child found belonging to that other mother, "could make a motion of *habeas corpus* for her but we could not get her out. Then [the case was] brought to trial" [475], until

with the Fundación Sobrevivientes managed to return her to her home [476].

María thinks that there must be some Divine explanation why her baby was stolen, in that the search for her daughter helped that other mother to find her little girl [477]; "Every time I found a stolen child it served to encourage me to keep looking for mine" [478]. And she continued looking elsewhere because she thought she was mistaken to have found her in the migration files [479]. And after searching again in the CNA, she found the record of another mother's daughter but she did not identify her as her daughter [480].

***Juana's case.*** Juana is of the opinion that if the Alba-Kenneth Alert system had been in effect when the child theft occurred, the public authorities would have mobilized quickly to respond to what had happened [481]. She suggests that the government should enforce this law, "as firefighters, if a fire is reported, they come to provide the first aid quickly. And that's what we need in the case of violence" [482]. She believes that applying this law would prevent child theft [483], given that it could investigate those who sign false papers and "the people who make those false papers" [484]. In the application of this law, they should "just seek people who are just and who act within the law so that they work as they should and not make lengthier" [485] the resolution of cases.

Juana met Laura de América, a host of a Spanish show in the United States, when she visited Guatemala, and she was impressed by what women in that country were suffering but did nothing about it [486]. She also met with several government officials in Guatemala, including "the First Lady and representatives of the Attorney General ['s Office], the [National] Council on Adoption, the Prosecutor's Office, and other people; I think the President of Congress attended as well" but no one gave concrete answers [487]. Juana also met with the Senator Mary Landrieu of Louisiana in the Embassy of the United States, and she gave her hope but they did nothing for

her case [488].

In the absence of an institutional response, Juana wonders with great indignation, "What am I then? . . . Am I a clown? What am I then? How is it that they [make me feel] free, deceive me, [make me get] very emotional, just for that moment, and the next day there is no answer, there is nothing?" [489]. Juana is convinced that important people never would understand her, "the pain, the wounds, all the pain of one that happens, they will never understand it. Why not, that [the pain] is not bought or sold" [490], said with dignity.

Again, Juana feels that "they have not felt the pain that we carry with us, the truth is that they will never feel it perhaps because nothing like this can happen to them there!" [491]. Moreover, Juana thinks important public authorities "make us experience violence at their hand, more than anything, violence, rejection, humiliation" [492]. Crying, Juana states that whenever she meets these important people she gets excited, but "little by little they shatter one's life in pieces. It's like one is quite wounded and it is another wound, because all there is a sham, more than anything else just a sham" [493]. Juana feels like "I will die like this, incomplete" [494].

Juana is of the opinion that she has had "to do her own investigation. . . . The authorities do nothing, I've done everything" she says [495]. Before the Fundación Sobrevivientes helped her, she had to approach the media alone [496]. She believes personnel from public institutions "spend their time doing nothing, they do not provide support, do not speed up cases. Simply, they earn their salary, but nothing. It is that there are persons who have no interest in one's case" [497]. Juana suggests that public institutions should make sure they "hire people with a good heart, who work, who really earn their salary" [498].

According to Juana, the people who work in public institutions should be interested in their work and not just in earning a salary; they should do their job, and have a real desire to help

the victims [499]. Juana points out that these people should be willing to face dangers because "to do justice, I think one runs risks as well" [500]. They must also be honest "not just because they want to work and eat and that it is. But they should be responsible people who think justly, as they should" [501]. She demands that the cases be treated professionally, specifically "the Attorney [General's Office] should not abuse everyone else" [502].

Juana states that more control should be exercised over the employees of public institutions to prevent corruption [503] because "many times, they are more in favor of the perpetrators than in helping those who are of humble origin. And always in the middle of this is money" [504]. For this change, it is necessary that the employees break with the habit of doing what is easier or not legal, and if possible to bring in new people [505]. To investigate cases, Juana suggests "asking for a lot of witnesses to make sure that the moms who give away their babies are their real moms. The witnesses should also be investigated, to see if they are for real. They should pass a law that if they lie, they should be sent to jail, because they have to tell the truth" [506]. The media have helped put pressure on public institutions "because when the news is broadcasted, authorities dislike it . . . but it helps a lot, especially the media who come to visit the Foundation and from the Foundation they call us. And in this way they broadcast it to the public. It helps a lot" [507].

When Juana's baby was stolen, she was confident that she would be reunited with her again; with certainty she said, "I know that God will never leave me, has never left me. But if He let this happen, He also has to answer me because I cannot live like this" [508]. Juana is grateful for the support of God and of the Fundación Sobrevivientes, and she is sure that these are signs that something better awaits her in the future [509]. When the child theft happened, she was taking a leadership course in the church and they came to her house to pray for her and brought



her offerings [510].

The experience of searching for her daughter has given Juana an interest in helping others [511]. Her motivation is having "seen people abused, children abused, women rejected by women, abused by their husbands also" [512]. In fact the government of Guatemala has not rendered justice in the cases of "many people [who] have given up, who have shut up, who do not raise their voice, do not speak, do not make demands, they can do nothing" [513], and she wonders why "they allow it" or do nothing [514]. In her case, many people thought Juana would never find out where her daughter was, or find the lady who stole her [515] so that the child would be later adopted internationally. She preferred to listen only to the people who gave positive advice, but she admits that sometimes the negative people enraged her, and she hoped they would not get in her way [516].

The family of Juana's husband accused her of being "disobedient" because she attended her church [517] and followed patterns of conduct different from those of her ancestors, because "If the man says to the woman not to go out, then she should not leave, even if she has no food, even though she does not have *tortilla* for her children. And I do not like that. This is why I have the hands God gave me. If my husband will not let me, then I will not stay and I will not tell my children that we are not eating. It does not matter how, even on credit to pay another day, but I have to feed my children" [518]. Juana is aware that leaving the house to search for her daughter is an act of disobedience and does not apologize for that; as she says to her family "if I die, please come and get me and bury me wherever, but I will continue disobeying [she told her parents and husband]. Because I know what I am going to do and no one is going to stop me " [519]. Juana's children, however, thank her for the example of courage she has given to them; they say, "If it were not for you, who knows where we would be, dead from ignorance, the little

we have learned, we have learned from you" [520].

Juana's children share her motivation to help others [521]. The experience of child theft has made them stronger [522]. Juana admits that she would not want her children to live the life of abuse and violence that she experienced with her father and then her husband, who mistreated them [523]. Juana hopes that the Fundación Sobrevivientes will be able to obtain the resources to continue helping people in need, since she believes they have too many cases of violence, about 3,000 [524], and also to put pressure on the public institutions that were created to assist women victims of violence, so that they fulfill the duties for which they were created [525]. In fact, there are public institutions responsible for compliance with the laws, but they have not done it [526].

During the search for her stolen daughter, Juana visited the Attorney's Office for Women's Rights and the Office for Indigenous Rights but they did nothing [527]. The government must ensure that there are protective laws and that they are complied with so that there are no more violations of human rights [528] in Guatemala. Before the child theft, Juana knew a little about the rights of children and women [529], but "after what happened to me, I learned that there are many laws that protect one, if I demand my rights " [530] and there are laws to do so [531]. Juana thinks that public authorities should put themselves in the role of the victims and act to resolve these cases, "because to solve a need, one has to go hungry, has to endure thirst, not sleep, all because one has assumed the pain of the other" [532].

**Rosa's case.** Rosa had meetings with important people in the National Palace with the President's wife and staff from the President's home, the PGN, and the Public Prosecutor's Office [533]. No response came out of these meetings, otherwise, she would have already been reunited with her daughter [534]. Rosa agrees that child traffickers "are bad people, and are dedicated to hurting people" [535], and therefore she has taken them to trial. Rosa clarifies that

"there are four on trial. Two of them already have a sentence [of 16 and 22 years, respectively]. . . and they had detained the lady that had given Q30,000 (about \$3,790) for my daughter to one of those being processed, but she escaped" [536]. Among those prosecuted are Asociación Primavera staff, a worker of the PGN, and the judge responsible for the adoption [537].

Rosa acknowledges that there are many people who have helped in the search of her daughter and this gives her the motivation to continue [538]. Rosa also recognizes that since her daughter was stolen everything has been different, she is not happy and rather gets sad, because at any moment she remembers what has happened and lives in fear; she cannot "be a normal person, devoted to her children, and to what one always does, that nothing worry her. Yes, my life changed a lot" [539]. What Rosa would like the most is to have her daughter back with her, that she would no longer have to attend the hearings of those under trial in her case, "and that everything would be the same as before [happy]" [540].

Rosa is aware that she has rights to reclaim in the case of the theft of her daughter; she is sure she has the "right in everything because I never gave my daughter away, she was stolen from me, so I have legal rights because I'm not fighting something that is not mine, but something that is mine" [541]. In particular, Rosa knows that she had the right to get assistance from public institutions and by not getting aid, she was denied her rights [542]. Rosa insists, "If I had received help [from the public institutions], this would not be happening, and everything would be different" [543]. Rosa claims that "if the person who was in charge of the case [the prosecutor] died, then they should have put someone else on the case and they would have had a quick proceeding. In that way it would have been resolved in no time" [544].

Rosa explains that although 6 years have elapsed since the theft of her daughter, "They cannot deny my right to have my daughter brought back [to Guatemala]" [545]. Rosa insists that

the statements by the United States government to not return her daughter are wrong "because she [the child] is my blood and she has to be with me" [546]. For Rosa this decision "is something difficult. I feel sad because I cannot solve this problem and I cannot have my daughter, then I feel very sad to think if I'm [either] going to see her again or not" [547].

Before starting the proceedings on the theft of her child, Rosa "was not aware of the laws. All of this that I have lived, I've been becoming familiar, I've been gaining experience on how the Public Prosecutor's Office works" [548], for example. Rosa concludes that "it is important that people believe in the laws because that they know what a law is, is for the welfare of everyone . . . It was necessary to know, because anything that happens to me now I know whom to approach" [549]. She also was ignorant of the functioning of the courts, but after attending the hearings of those under trial she is more familiar with the proceedings and feels better prepared for when she has to make her own statements in court [550].

Rosa is convinced of the need to prevent the theft of children in Guatemala, for which the law must be just and be applied to child traffickers so that they do not continue doing this [551]. Now the police are more alert of this type of theft but the families have to be "more careful with their children. Maybe we should not take them out, because when we go out, sometimes they snatch them from our arms" [552]. There are many women who are afraid of having their children stolen, especially after they know what happened to her [553].

Though Rosa did not know the name of the protective law that now exists in Guatemala that could help prevent child theft [554], she is aware that the public authorities must act immediately [555]. According to her, "now the law is in place, the police is already afraid, and yet they arrive late" [556]. She believes that to improve this law, public institutions should hire people that will comply with the law as such [557].

## **Lessons Learned**

Although particularities were found in the lives of the three participants from childhood to adulthood, as well as in the circumstances in which the child theft and search occurred, the stories of the respondents show some common features. What follows are the tentative lessons learned from both the narration of the events and from the meaning of the participants' experiences. Such lessons emerged from the consensus reached in the interview process and were reviewed by the participants during the second wave of member checking. They are offered as the researcher's understanding of the participants' experience. If this is an accurate account, the lessons learned below may be considered additional constructions emerging from the hermeneutic dialectic process.

### **About the Narration of Events and the Meaning of the Experience**

#### **1. Participants grew up in a war context, experiencing poverty and violence.**

The life stories of the participants show that their life evolved in the context of the civil war (1960–1996), and in the postconflict years (1996 to the present), when Guatemala experienced a wave of widespread violence. Two of the participants compared their experiences of child theft with that of relatives of people “disappeared” during the war. These stories are consistent with the findings and observations about the missing children in Guatemala (Dubinsky, 2010), and are also indicative of persistent poverty that the Guatemalan population experiences, particularly the indigenous population. The domestic violence two of the participants suffered from their parents and partners seems linked to the patriarchal culture dominating domestic relations there. Offsetting this history is a set of favorable factors, including individual and family values forged in childhood and reflected in the stories of their lives before the thefts of their daughters. These values formed them as individuals in their different roles as

daughters, partners, mothers, members of groups and communities, and advocates and human rights defenders when Guatemalan families experienced the phenomenon of child abduction.

**2. The abducted children were from humble families with decent and loving homes.**

This is the story of mothers who cared for their children and did not mistreat them; on the contrary, they gave them loving homes. Even when the partners of two of them were reported being violent or neglectful men, none of the mothers reported having allowed their children to be abused by their partners. In fact, one of the mothers confronted her husband to protect their children. In the face of paternal absence, two of them were able to take responsibility as mothers and provide for their children, in the same way that their original family did with them when they were growing up. While living modestly, the three mothers and their families reported that prior to the abduction of their daughter, they had enough to live decently, worked to support themselves, and lived happily with their respective families.

**3. Conditions when thefts occurred were particular among the interviewed mothers.**

All three abductions occurred in 2006, when the notary adoption system prevailed and the new adoption law had not been passed. It seems that the people who stole their daughters were involved in a larger network of child trafficking. Traffickers used drugs and deception to commit the thefts, and seemed to count on the support of others who were operating in the communities where the mothers lived. Once the case investigations were conducted, numerous irregularities were found in the adoption proceedings of all cases, and in one of the adoption cases, this was faster than usual, just 2 months and 20 days.

**4. Public authorities hampered the search of abducted children.**

The mothers reported beginning to search for their daughters immediately after they were abducted. All of them declared having encountered difficulties in their interaction with public

institutions, and not getting proper attention on their cases. Moreover, two of them claimed being accused of having sold their daughters. This became an obstacle in their individual search, which according to them, had no favorable resolution. After exhausting efforts and finding themselves reporting to public authorities without further resolution, the mothers sought the support of nongovernmental organizations.

### **5. The mother's joint effort and the Fundación Sobrevivientes advanced the search.**

From the moment the Fundación Sobrevivientes accepted their cases, the three mothers continued the search for their daughters accompanied by that organization. According to the interviewees, it was there that they met other mothers with similar experiences, and they began working together, obtaining satisfactory results for the resolution of some of their cases. The Empty Cradles Campaign that the mothers had launched with the Fundación Sobrevivientes, through which they carried out hunger strikes and street protests, appeared to have advanced the case investigations and eventually contributed to finding their daughters in the migration records.

The mothers' quest for justice has included getting the case records public institutions made available, which, as reported by the interviewed mothers, provided much information about the adoption of their daughters. According to these women, their pursuit of justice has also included the location, trial, and punishment of those who had stolen and trafficked their daughters. However, undertaking the prosecution of those responsible for these events has been very costly for each of the mothers and for the Fundación Sobrevivientes, and has led many to assume risks, constantly changing their place of residence, and feeling continually threatened. Armed men kidnapped one of the mothers. She and her defenders suspected the men were part of a ring trafficking minors for international adoption.

### **6. Mothers demand reparation for the theft of their daughters in various forms.**

The three mothers interviewed expressed their wish for seeing their children again and demanded their return. According to their accounts, if this is not possible, at least they want to reunite with their daughters and to remain a part of their lives. The three participants seek the greatest good for their daughters and their families and want to end the search as soon as possible. In their own way, each of them was willing to proceed in creative ways, taking short-term measures that would guarantee first the confirmation of the genetic identity of those they identify as their daughters, and second, if there is a positive DNA, securing a meeting with the children either in Guatemala or the United States. The three mothers are open to direct communication with the adoptive families of the girls they identify as their daughters, and to set up creative arrangements to negotiate with these families for a reunion with the girls.

#### **7. The mothers' victimization has multiple aspects, and for this they seek justice.**

The statements of the participants in this research show that they suffered multiple forms of victimization, manifested in the different forms of oppression to which they were subjected. In 2006, these victims of child theft ended up having their children trafficked for intercountry adoption and eventually adopted by United States families. After reporting the incident and initiating the quest for justice, these mothers reported being victimized by public authorities in different ways, such as not been getting the proper attention they deserved, and being accused of having sold their daughters. The mothers related how they were victimized by family members who in some cases collaborated with the child traffickers, did not support the mothers' search for their daughter and criticized them, and even accused the mothers of having sold their daughters. They also became victims of other people in their communities who contributed to the insecurity and shame they felt. As part of this multiple victimization, one of the mothers was kidnapped by people suspected of involvement in the trafficking of minors for international adoption. All of



these instances points to the dynamics of impunity mentioned earlier.

The triple victimization found in the stories of all three participants, two of the participants were found to have been exposed to abusive homes from childhood to adulthood, and they were single mothers without support from their partners and with limited financial resources. Added to this victimization is the complex trauma they experienced and the loss of health and lifestyle they underwent after the child abduction. To this is added the shame they reported feeling in the face of the charges to which they were subjected (that they had sold their daughters), and the guilt they claim experiencing for failing to attend properly to their other daughters and sons because they were immersed in the pursuit of their abducted daughters. The cumulative stress and suffering seemed profound, with many losses experienced.

The institutional victimization was found to be exercised through the improper attention of public authorities to their cases and the other institutional obstacles they encountered in the pursuit of justice and reparation. This situation appeared linked to the impunity prevailing in public institutions, suggesting the need to strengthening public institutions in the delivery of services to victims of child theft. In this multiple victimization, the rights as mothers appear to be violated, as they are unable to raise their daughters, after the daughters were taken away from them violently. This victimization dynamic includes the violation of the children's rights, who also suffer by not being able to grow up with their biological family and culture of origin.

#### **8. The adaptive capacities among participants were key to survival and justice.**

It seemed evident that the quest for justice and resolution of their cases led to the strengthening of the adaptive capacities of the interviewed mothers to cope with their victimization. These capabilities appear to constitute part of a complex survival mechanism unfolding as they narrate the efforts they made individually and jointly to find their daughters

after the child theft. It seemed that these women were empowered in the process of seeking justice and resolution for their cases. This became evident in the narratives of the mothers, who with support of the Fundación Sobrevivientes developed new skills in order to face new challenges arising in this search. Through the search process, the mothers became more confident and articulate in their self-advocacy; in the case of the mother of indigenous origin, she became more fluent in Spanish. The solidarity that the mothers demonstrated towards other women in similar circumstances seemed to have forged them into pioneers of the rights of women and parents of abducted children. The interviewed mothers seem to have enabled policy changes aimed at preventing child abduction in Guatemala.

### **9. The participating mothers gained social resilience in the search process.**

Participants' statements suggest that each of them developed a high level of social resilience based on their own personal values and the family cohesion they enjoyed, even though this does not come from some members of their respective families. The resilience was also observed in diverse forms of self-advocacy and public advocacy that the mothers displayed when working together with other mothers and the Fundación Sobrevivientes in finding their daughters in the migration files. This is also reflected in their determination to be together with their daughters again in Guatemala or in the United States, as they expressed.

The stories of these mothers reveal their desire to continue their quest for confirming the genetic identity of the girls they have identified as their daughters, and to reunite with them in the near or remote future. Their pursuit of justice seems to include their determination to continue with the criminal investigations and trials of those accused in these cases. Added to this is the mothers' search for reparation of the harm done to them and their families, in particular, through a reunion with their daughters in whatever way possible.

## **Chapter 5: Discussion of Results and Implications**

### **Introduction**

This dissertation is an inquiry into the experience of Guatemalan mothers who have reported their children abducted for intercountry adoption. If the researcher has developed an accurate interpretation of the lessons learned contained in Chapter 4, the case study may have important implications for policy and social work practice, education, and research. The tentative implications of the case study emerge from the application of the methodology used (Chapter 3) and the inference of lessons learned from the case study (Chapter 4).

The tentative lessons learned from the meaning of the inquiry were derived from the themes, subcategories, and categories (Appendix C) that in turn emerged from the constant comparison of the raw data, mainly the transcripts of multiple interviews with the research participants. Data were collected according to the three dimensions of analysis guiding the participant interviews: (a) the mothers' personal, family, and community experiences regarding the alleged child abduction (personal dimension); (b) their experiences of interfacing with legal authorities, service providers, and agency advocates in locating their children and taking action on their cases (practice dimension); and (c) their viewpoints about the regulations most relevant to their experience (policy dimension).

The application of these dimensions in the interview process helped to capture potentially important implications for policy and social work practice, as well as for research and social work education. The cultural, social, and gender issues considered in the analysis, the examination of the roles of victims and survivors these women assumed in this particular form of violence (child abduction), and the extensive review of the advocacy work they were engaged in when searching for their children have also informed the inference of these implications.

### **Researcher's Discussion of Lessons Learned from Case Study**

This section is not intended to compare the lessons learned with the literature reviewed in Chapter 2. As indicated in Chapter 3, research findings in a constructivist inquiry do not aim to confirm or deny the working definition on child abduction or any other working hypotheses contained in Chapter 2. To make meaning of the constructivist inquiry, the reader is encouraged to make connections between the lessons learned from this case study and the evidence found in the literature and to assess replicability in the Guatemalan or the greater global context. This section aims to further the discussion of the lessons learned presented in Chapter 4. These lessons learned are mostly constructions emerging from the interview process, which the researcher discussed with the research participants during the second wave of grand member checking. In this section, the researcher links the experience of these women to the dimensions of analysis stated above, and engages in a process of contrast comparisons between the research findings and particular aspects of the context in which the case study is embedded.

### **Victimization and Oppression of Vulnerable Populations**

This dissertation research was focused on the experience of Guatemalan women reporting the abduction of their children who were later found trafficked for adoption into the United States. While recognizing the tentative nature of the lessons drawn, the case study suggests that these women were victimized in multiple ways and repeatedly, while subjected to various forms of oppression. Child traffickers appear to have victimized the mothers when they abducted their daughters and separated them from their families. The research participants claim that their rights as mothers, families of origin, members of an ethnic group, and citizens of countries of origin were violated, and the rights of their children were also violated.

As the victimization of these women persisted during the period they were searching for their children individually while their victimization seemed to have become institutionalized, which suggests the presence of a culture of impunity. As victims of abduction of their children, the participants lacked the support of public institutions mandated by national regulation and international standards. Instead, these women seemed to have entered into a process of re-victimization involving negligence, corruption, and the impunity from crimes prevailing in Guatemalan public institutions. The institutional violence they reportedly experienced included being subjected to accusations of child sale, and being threatened with prosecution for a crime not committed. In other words, the victims of this particular type of violence assumed the role of “victimizers” in the eyes of public authorities by the virtue of their claims for justice in their cases. The same public authorities entrusted to protect and assist the victims of violence in Guatemala became known for violating the rights of the research participants.

The complexity of the conditions under which these women advocated for themselves and their children seems indicative of the intersectionality of oppressive systems. The systemic oppression appeared to keep these mothers and others like them unable to access essential public services and resources and to exercise their rights as granted by law. Thus, the case study of the experience of these women is the story of an oppressed group—oppressed for being women, low income, of indigenous origin, and with a history of abuse and neglect from fathers and male partners. Their stories emerge as evidence that these relatively vulnerable women were also being oppressed by relatively well-off families in countries of reception of “orphans” or in high-income nations. Similarly, the inability of these mothers to find their children and be reunited with them emerges as evidence of the endemic problems existing in the international child protection system. It also seems to be evidence of the prevailing inequality existing even today

between the children's families of origin and U.S. families adopting children internationally. As indicated in Chapter 1, from a social justice perspective, this means recognizing that intercountry adoption has created a global system of abuse against vulnerable birth parents, a system in which gender oppression and discrimination and the violation of children's rights have been the way the system works (Hollingsworth, 2003; Roby, 2005; Rotabi & Gibbons, 2012).

### **Child Protection, HCIA Loopholes, and Human Rights**

Countries of origin and of reception signed the HCIA in 1993 when it was first agreed upon in the Hague Conference on International Law (HCCH, 1993). As indicated in Chapter 4, after Guatemala ratified the Convention in 2002 (HCCH, 2011), the Guatemalan Congress enacted the new Adoption Law, Decree No. 77-2007 (CNA, 2007), which went into effect immediately. The United States, the largest recipient of "orphans" worldwide, became a signatory of the Convention in 1994, ratified it in December 2007 (HCCH, 2011), and passed the Intercountry Adoption Act in 2000, which eventually went into effect in the United States in April 2008. Thus, no amount of safeguards put in place seem to have protected children in Guatemala, as it did not prevent the 2006 abduction of the children of the women participating in this study. Furthermore, safeguards did not seem to have prevented the trafficking of these children and their irregular adoption by U.S. families in Guatemala during 2006 and in the following 2 years, and safeguards put in place in the United States to prevent the abduction, sales, and trafficking of children for intercountry adoption did not prevent the adoptions of these children from being finalized in the United States. Although these are two quite different countries, the paradoxes they show are similar, pointing to the failure in implementing the HCIA promptly and fully. As discussed in Chapter 2, the United States continues to bring "orphan"

children from non-Hague countries, such as Ethiopia, which has become the second-highest sending country (U.S. Department of State, 2011a).

During the interviews, the study participants linked their personal experience with that of the relatives of people “disappeared” during the civil war. In the literature review, the history of child abduction during and after the war in Guatemala was found to be relevant to the construction of the “missing” children (Dubinsky, 2010). Guatemalan communities, many of them of indigenous origin, were torn apart during conflict through the kidnapping and subsequent disappearance of individual members, as well as the forced separation of families. As indicated in the REMHI report (1999), the practice of forced separation of families in the 36-year civil war (1960–1996) in Guatemala enabled the abduction of children during military operations and their later adoption through fraudulent adoption proceedings. For instance, one of the participants described the case of a mother whose son was abducted from her during the civil war and she met him again as a teenager; he had been adopted in the United States as a child after the forced separation from his family.

A study on adoptions and human rights in Guatemala during the conflict years found the Secretaría de Bienestar Social de la Presidencia de la República (Presidential Secretariat for Social Welfare, SBS) engaged in the violation of children’s rights in adoptions processed during 1977–1989 (Presidential Secretariat for Peace, 2009). According to this study, the SBS violated the rights of children by discriminating them due to their skin color, sex, or language, and by denying children of their right to special protection as minors, to a name and nationality, and to grow up with and under the care of their parents. The fundamental right to protection from all forms of child abandonment, cruelty, and exploitation was also found violated, as well as their right not to be object of disappearance and child trafficking. As documented in this dissertation

study report, the experience of the research participants for 6 years, from 2006 to 2012, points to the violation of children rights in all of these areas.

### **Women's Empowerment and Policy Advocacy**

The joint advocacy work that the research participants carried out with the support of the Fundación Sobrevivientes appeared to have enabled them to advance the search process and locate their daughters, at least in their case files. The participants considered this work as a way to put pressure on public authorities to respond more adequately to their cases and to take actions that have been unprecedented in the Guatemala systems, such as the prosecution of those involved in the stealing and trafficking of the three children, as per the pending legal cases for each of them. It became evident during prior ethnography and the interview process that the mothers' involvement in these cases created special bonding among themselves and with the staff from the Fundación Sobrevivientes. This bonding seems grounded on mutual empathy and respect and a strong sense of solidarity and mutual collaboration in confronting injustices against women, children, and their families in Guatemala.

The mothers' joint search appeared to enable their empowerment in various forms. For instance, all of the participants reported having become more articulate in presenting their demands vis-à-vis public authorities and the media, getting to know relevant regulations and the role of public institutions, and pursuing their cases through the executive and justice systems. This was reflected in the sophistication of their statements and in the constructions they developed jointly with the researcher, as well as in the direct request they made to the researcher for joining in their struggle for justice and reparation by ensuring that their stories and demands would be communicated widely—this request was made by the participants during member checking. The participant of indigenous origin learned to speak Spanish in the process of



searching for her daughter in order to make her voice heard and advocate for her child, family, other mothers, and her community. Since 2006 (the year of these particular child abductions), the struggle of these mothers and that of other Guatemalan parents whose children were abducted, and in some cases killed, promoted legislative changes for greater child protection, eventually resulting in the approval of the Alba-Kenneth Alert law, which is discussed in greater detail later in this chapter.

With their actions, the mothers participating in this study and the organizations and individuals supporting them in the search for their children appear to be aligned with the core values of the social work profession. While seeking respect for the rights of these mothers and their children, the worth and dignity of people also seemed to be pursued. The mutual support and solidarity prevalent in the joint advocacy activities suggested the importance of human relationships. The empowerment these women gained through their activism appeared to be unfolding as a form of self-determination for these victims of violence.

### **Lessons from International, Cross-cultural, Bilingual, and Constructivist Research Attending IRB Guidelines and Beyond**

The natural setting of the case study (Guatemala) and the characteristics of the participant sample (mothers publicly reporting the abduction of their children for intercountry adoption) defined this research as international, cross-cultural, and bilingual (English/Spanish). Thus, the researcher followed IRB guidelines for international research, in addition to IRB guidelines for vulnerable groups. As indicated earlier, to protect the human subjects and ensure that the research would be culturally appropriate, the researcher finished the research design 2 months after arriving in Guatemala during prior ethnography. The researcher remained in Guatemala for a year in a prolonged engagement, which is one of strategies in constructivist research to enhance

rigor. She also formulated the interview protocol, first in Spanish and later translated into English. Members of her dissertation committee of Hispanic origin and the gatekeeper organization reviewed and amended the interview questions during prior ethnography.

The researcher enlisted the following human resources in the research:

1. A dissertation committee with members of diverse cultural and linguistic backgrounds and international research experience,
2. A peer reviewer who is bilingual and bicultural, and has experience working in child welfare concerns in Guatemala,
3. Two cultural consultants covering different disciplines (law and gender studies) and areas of expertise (child protection and feminist practice),
4. A translation reviewer (bilingual and bicultural, who has conducted her own dissertation work in Guatemala) who could attest to the cultural appropriateness of the translation of all research material, and
5. A mechanism for regular consultations on relevant topics with experts, including Guatemalan scholars and practitioners or academics residing in Guatemala.

Prior to carrying out the interview process, the IRB panel in charge of this dissertation research approved all of these measures of rigor based on detailed information provided in the IRB plan and letters of support from the gatekeeper organization, the cultural consultants, and the translation reviewer. Reports about their work are included as appendices to this dissertation.

### **Emergence and Cultural Immersion**

The emerging nature of the constructivist inquiry enabled the researcher to make necessary accommodations to the case study methodology along the way. For instance, during prior ethnography, the researcher experienced total immersion in the Guatemalan culture by

residing with Guatemalan families. She interacted with Guatemalans of all social strata and ethnic background, not just the feminist scholars with whom she was engaged in the academic exchange at the University San Carlos. Before the interview process, she also took time to get to know the staff of the Fundación Sobrevivientes, and to make them aware of the investigation she was conducting and what it had to do with the mission of the organization and the work they were doing. She engaged in process discussions with the psychologist providing mental health services to the research participants and with the lawyers involved in the defense of their legal cases in the Guatemalan courts. She even interacted with those providing security services to the Fundación Sobrevivientes office and staff, furnished by the Guatemalan government as part of an advocate's protection program. She also established rapport with others entering in contact with the organization's clients, including the receptionists and intake staff.

She treated all of these individuals and organizations with respect and used every opportunity to get new insights about the Guatemalan culture and the overall sociopolitical context in which the research participants were immersed. In turn, she gained the trust of those without whom this research had not been possible. Although a native of El Salvador and fluent in Spanish, the researcher had to adjust to the natural setting during her prolonged stay. By the time the interview process began, the researcher had been in the country for about 10 months, giving her sufficient time to learn the linguistic and cultural distinctions of those involved in the research process in one way or another.

Without "going native," the researcher became more open to the experience of her country of research and its people, particularly to the experience of the Guatemalan mothers she interviewed. By the time the researcher had completed the interview process and the first wave of member checking, the researcher had been transformed in many ways, including the way in

which she spoke Spanish, a better understanding of the “Guatemalan way” of doing things, and of the research topic and research participants. Thus, the researcher’s emergence and cultural immersion in the natural setting created an opportunity to apply and assess more accurately (culturally and contextually) all three dimensions of rigor: trustworthiness (or the confidence in the findings), the adequacy (goodness, quality) of the hermeneutic dialectic process, and the study authenticity (or the confidence in the intent of the inquiry).

### **Bounding Subjectivity and Bridging Cross-Cultural Interactions**

To bound subjectivity, the researcher continuously journaled and discussed the case study with the experts with whom she interacted regularly. Her journals were sometimes in Spanish, sometimes in English, depending on which language more accurately documented the experiences shared, her interactions with the research participants, and the experts consulted. Going back and forth from Spanish to English is a skill the researcher acquired in her years of prior practice while working with the Latino community in the United States and interacting with her bicultural, bilingual family and friends. This provided her with the foundation of doing constant forward and back translations of thoughts and words related to the research.

As happens in total immersion, the complexity of operating in cross-cultural environments goes sometimes unnoticed. At times, the researcher was not always aware of what she was doing, how her own mind was working, and how she was behaving or responding to others and her surroundings. For example, sometimes she would hear a word that had no direct translation and not even a meaning outside the experience of the country or of the research participants. She was able to go in depth into greater awareness and understanding about the meaning of words as told, in Spanish and in English, rather quickly, as the researcher had prior training and work experience in doing interpretation for Latin Americans visiting the United

States who would come to speak about human rights violations in Central America. She also had experience listening to the stories of refugees from that region and preparing their political asylum application vis-à-vis immigration. Thus, journaling played a key role in both observing more closely and documenting more carefully the meaning making of every experience, in introspection and the interaction with others, across languages and cultures.

In the emergent design, the researcher decided to translate the words of the participants using the technique of professional interpretation, the verbal translation from one language into another as it is done directly with someone delivering a public speech. These skills proved useful in interpreting results using constructivist techniques, in writing the case study report, and in conducting the member checking process. Yet, as professional interpreters know well, there is no “one way” of interpreting from one language to another. In fact, “only local users can understand what the words, especially untranslatable, idiomatic terminologies, might mean, or what positive forces might be enabled” (Lincoln & Gonzalez y Gonzalez, 2008, p. 803). Thus, the interpretation made of the research material could be translated differently by any other bilingual, bicultural researcher.

### **The Grand Task of Report Writing**

Some bilingual researchers favor the analysis and presentation of data collected from non-English participants in bilingual text (Lincoln & Gonzalez y Gonzalez, 2008). The researcher conducted data analysis in Spanish during the interview process (while in Guatemala), and in English with back translations during further analysis (when back in the United States). To bound subjectivity in this process of “interpreted,” forward and back translation, the researcher developed a vocabulary of terms (Appendix G), which includes words the participants stated, their meaning in Spanish (according to the Spanish Real Academy), and their translation

into plain English. In addition, the main technical English terminology found in the literature has been defined in the glossary of terms (Appendix B).

Language is essential for the hermeneutic dialectic process, the joint constructions, and the reporting of the case study (Guba & Lincoln, 1989; Lincoln & Guba, 1985; Rodwell, 1998). Writing the case study report became a colossal task in part due to the large amount of raw data. The researcher transcribed 115 pages, or 61,415 words, from the interviews, and carried out the thematic analysis by sorting and lumping 626 units of analysis identified when analyzing the transcripts. The cultural and linguistic dimensions of the research discussed earlier became more evident in the different levels of formal education and of Spanish proficiency among participants. For instance, all participants had primary education below the sixth grade, and the level of proficiency of Spanish of the participants varied; in fact, the participant of indigenous origin acquired a better knowledge of the Spanish language during the search process. Another colossal task was describing properly, in Spanish, the joint constructions to the research participants and during member checking. This process continues as the researcher presents the findings to people not involved directly in the research.

As the researcher concludes the writing of the dissertation paper, the meaning of the words used in the research process (verbal and written) and of what had happened (the research process itself) continues to evolve. She keeps finding new meanings when reviewing the dissertation report against the joint constructions and the raw data, again and again, and in talking to non-Spanish-speaking audiences about the research. This is a confirmation that reality in the interpretive paradigm is not unique and static but multiple and evolving, as it is the nature of the international, cross-cultural, bilingual, constructivist research. By implication, doing what the researcher has done in this research process is a unique experience, nonreplicable. Sharing

the findings and presenting these implications, however, is an opportunity for the readers to reflect on this case study as they may consider applying some of the lessons learned to other contexts.

### **Research Challenges**

The term “research limitation” used in positivist research has no meaning in constructivist inquiry, as the research plan is not fixed; it is emergence that warrants research rigor. However, the research involved a number of challenges. Managing multiple perspectives in a process aiming at consensus-based decision making, and redistributing fairly the power and control in the process are some of the challenges cited in Rodwell (1998). Below, the researcher addressed these and other challenges found and how she overcame those challenges in her work.

Although the story of what happened is presented sequentially, emergence was not sequential and was not always smooth; to the contrary, it was rocky at times and required much effort on the part of everyone involved. The researcher had to juggle with the complexity of the settings and the design, as well as with the complex net of personal and professional relationships, and sometimes even competing priorities among those involved in the research process. For instance, while her dissertation committee set high standards of rigor when advising this research, at every point the researcher had to assess the adequacy of the advice provided (culturally and contextually) while aiming to ensure the protection of the research participants and of herself—this was necessary given the context of post-conflict and violence against women in Guatemala.

International, cross-cultural, bilingual, constructivist research is demanding of time and resources, and requires a high level of commitment. The researcher and all of those who have been engaged in this dissertation research have spent countless hours in making the work

possible. In spite of the financial support of the Council on Social Work Education's Minority Fellowship Program and of the Rotary Foundation, the researcher had to make significant sacrifices to carry out this dissertation work. This type of research is expensive and takes time—recall that the researcher started to engage with the gatekeeper organization and visit Guatemala on a regular basis since starting her Ph.D. program at VCU in 2007. The researcher had to forgo relationships and income in order to dedicate herself to the completion of this case study.

To honor the process and the authentic voices of the research participants, the researcher had to be flexible in incorporating adaptations into the research process while being vigilant about research rigor. For example, participants were convened for the first interview without having read the recruitment form prepared for that purpose. The researcher took the time to read it to the participants before discussing the consent form during the first interview. Because of the exposure of the participants to the multimedia (television, print press, and documentary coverage), the researcher had to clarify that she was not a journalist reporting on what had happened to them but conducting a case study of their experience with the purposes and under the terms defined in the consent form.

The three participants displayed symptoms of post-traumatic stress disorder, as hinted by the psychologist working with them at the Fundación Sobrevivientes. As stated in their personal narratives, the participants reported feeling sad and depressed, felt shameful and regretful, had feelings of isolation, and at times were emotionally disconnected. They all reported some level of somatization of the painful experience they lived even 6 years after the abduction of their children. Since the child theft, the participants seemed to experience what the literature characterizes as ambiguous loss, when the child is physically absent but psychologically present for the family after having gone missing or been abducted (Betz & Thorngren, 2006). Telling



their story involved different levels of unresolved grief among research participants, as indicated in the case study narrative.

Without acting as a therapist but drawing from the professional skills learned as a trauma healing practitioner and during the Master of Social Work program at VCU, the researcher used empathetic presence as a source of support to the participants, so that they might find some comfort when narrating their stories. While complying with IRB regulations of avoiding harm to the participants, the researcher used this technique that allowed her to join in the pain experienced by the participants through silence, and by allowing time for the participant to self-regulate. This implied sometimes stopping the interview and the recording, handing over tissues with care, and waiting patiently for the participant to signal when she was ready to continue. Right after this happened, and it happened several times during all waves of interviews with each of the three participants, the researcher reminded the participants about their right to withdraw from the study at any time. Using different words, the participants expressed their interest in continuing their participation because they either found it useful or because they wanted to do everything that was in their reach to advance their cases. They saw their participation in this study as a way of pursuing that purpose.

One of the participants requested copies of all of the transcripts of her interviews because she wanted to collect all of the evidence possible to show to her child in the future that she had done everything in her power to find her and reunite with her. The researcher used this opportunity to expand the member checking plans and integrate all three components of member checking that Hoffart (1991) suggests, through the review of transcripts, constructions, and interpretation. The compilation of documents with a one-ring plastic comb binding, as is typically done in Guatemala, enabled the research participants to return home with their

respective set of transcripts, the joint constructions, and the final report at the end. The researcher asked each participant to let her know if they found any additional changes to that research material, as they had her contact information on the consent form.

### **Implications for Practice**

Earlier in this paper, the researcher inferred from the literature review a working definition on child abduction and a set of related working hypotheses, contained in Chapter 2. Below is a discussion of the tentative hypotheses developed from the literature review, as these potentially have substantial implications for social work and child welfare policy and practice. Key elements of this discussion were taken from the researcher's field notes.

### **Discussion of Working Definition**

The four elements of the working definition of child abduction (child theft, deceptive, coercion, and fraud) were confirmed in the mothers' stories. During the interviews, participants stressed that they did not consent to relinquish their children or to terminate their parental rights. The theft of their children nullified their right to grant or deny this consent. They did not consent to the adoption of their children, and believe this was an imposition on them. Thus, relinquishment is not relevant to the experience of the participants. However, one participant acknowledged family pressures that resulted in child relinquishment among young mothers in the community. Deception on the part of relatives played a key role in the theft of the children of two participants, as these relatives allegedly collaborated with the child traffickers. Legal, judicial, and administrative fraud has been revealed during the legal proceedings of the pending cases. As the mothers persisted in searching for their children, they reported political, cultural, or socioeconomic pressures on the part of public servants and sometimes even members of their families to abandon the search, given the many threats the search posed on the entire family

system. It was evident that these pressures prevented due process of the administrative and legal proceedings (justice), and the appropriate reparation they sought to achieve.

### **Discussion of Other Working Hypotheses**

The discussion of the other working hypotheses follows.

1. **Systematic, organized operations.** The mothers' stories confirmed that child abductions are the result of the operation of networks of organized crime. This problem became more evident in the proceedings of the ongoing legal cases.
2. **Financial gains and baby selling.** Again, the mothers' stories confirmed that child abduction promotes financial gains and baby selling. The proceedings of the ongoing legal cases provided evidence of this problem, particularly with the prosecution of staff from an adoption agency and civil servants in the administrative and judicial systems. All participants reported baby selling in their communities; it was observed among women whose husbands had migrated to the United States and became pregnant from extramarital relations, and young women who had been impregnated by their boyfriends and decided to relinquish or to sell their babies secretly outside of the community.
3. **Chain of international child trafficking.** This has been confirmed in the mothers' stories. It has also become evident in the proceedings of the ongoing legal cases; two mothers reported that their own relatives collaborated with the child traffickers.
4. **Government's inability to prosecute and penalize.** This has been confirmed in the mothers' stories, as well as the proceedings of the ongoing legal cases. The mothers are determined to continue their claims and hold the government and the justice system accountable. These actions aim at changing the country's culture of impunity.

5. **Best interest of the child.** Participants reported lacking understanding about the *best interest of the child* as defined in national regulation and international convention.

However, by searching for their children from the onset of their children's abduction and persistently over the years, they demonstrated that they were seeking to ensure the best interest of their children, as biological parents, and citizens of the children's country of origin.

6. **Principle of subsidiarity.** The principle of subsidiarity was not applied in the adoption of the abducted children but it is relevant to child abduction cases in Guatemala and around the world. The evolution of intercountry adoption globally calls for the endorsement and enactment of HCIA mandates, especially of child protection regulations around the world. This research suggests that more countries should be encouraged to subscribe to HCIA, and a greater sharing of lessons learned across countries should be facilitated by the HCCH Secretariat.

7. **Illegal adoptions.** The endemic problem of illegal adoptions was confirmed in the mothers' stories. This problem became more evident in the proceedings of the legal cases these women continue today.

8. **Threats to the ethical standards of the Central Authorities.** Participants reported lacking knowledge about the ethical standards to which Central Authorities and accredited agencies are held accountable. However, in the reported activities and demands, they call for higher ethical standards and honest practices among national public institutions related to child protection. All participants acknowledged the influence their collective effort had in finding their children (in the case files) and in changing national policy and practices among public institutions.

9. **Complications and delays in the determination of adoptability.** Participants reported lacking knowledge about the process of determination of adoptability. However, they were aware of and concerned with illegal practices of international adoption, including the forging of birth documents and falsification of other adoption documentation, which in their cases led to the completion of the international adoption of their daughters.
10. **Undermining of due process of legitimate intercountry adoptions.** Participants acknowledged lacking knowledge of the national and international process of adoption in Guatemala at the time of the child abductions. However, they were aware of and concerned with illegal practices of international adoption, including the denial of their right to granting parental consent to the international adoption of their children.
11. **Challenges to the ability to determine adoptability.** Participants reported lacking knowledge of the process of determination of adoptability. However, they are aware of and concerned with illegal practices of international adoption, including the fact that their children were not abandoned but were abducted for that purpose.
12. **Profound effect on the feelings of grief that mothers experience.** This has been confirmed in the mothers' stories. Participants reported numbness, grief, anger, sense of worthlessness, lack of desire to live without their offspring, inability to focus, constant crying, avoidance to attaching to other family members, and other feelings found among those experiencing forced separation from their children. All of these feelings and behaviors have been found common in cases of ambiguous loss.
13. **Requirement of recognition and meaning for grief resolution to occur.** This has been confirmed in the mothers' stories. Participants want to know that their children are alive, and after confirming the identity of the children (through DNA or body marks), they want

to be part of their lives, somehow. According to them, only these actions will relieve their pain.

### **Child Protection Practice and Policy in Guatemala**

The mothers suggested that the Guatemalan government and public institutions must pursue due diligence in the cases of child abduction reported prior and during the new adoption law, as well as cases of “missing” children during the civil war. They recommend developing educational campaigns and undertaking administrative measures to prevent child abduction and child trafficking. These measures may include the prosecution of corrupt public servants, staff selection based on ethical grounds (as opposed to favoritism or other unethical practices), improving staff training and professional development, and making the system accessible to those who are not fluent in Spanish, particularly people of indigenous origin.

From the participants’ perspective, the child welfare system in Guatemala, including the adoption regulations and practices, needs to be strengthened. They suggested a greater emphasis on prevention of child abduction and child trafficking, including the implementation of the Alba-Kenneth Alert system. This child abduction response system, approved by the Guatemalan Congress in 2010, was developed to prevent the abduction, sale, and trafficking of children and youths for any purposes through the coordination of various government agencies and the collaboration of the media and citizens in locating children and youths immediately after their disappearance is reported (Congress of Guatemala, 2010). According to media reports and the Fundación Sobrevivientes, the 8-year-old girl Alba Michele was abducted while walking to a bookstore a block away from her home and found dead a few days later, mutilated and without organs. The same sources indicate that the 4-year-old boy Kenneth Alexis was stolen while playing with other children in the neighborhood and found dead with a fatal head injury in the

house of two child traffickers allegedly selling children for intercountry adoption. In both cases, the suspected abductors and traffickers were detained, brought to trial, and sentenced based on the Alba-Kenneth Alert system and other relevant laws, such as the Law Against Sexual Violence, Exploitation, and Trafficking (Decree 9-2009) (Congress of Guatemala, 2009).

The Alba-Kenneth Alert system in Guatemala is similar to the Amber Alert system in the United States, “a voluntary partnership between law-enforcement agencies, broadcasters, transportation agencies, and the wireless industry, to activate an urgent bulletin in the most serious child-abduction cases. The goal of an Amber Alert is to instantly galvanize the entire community to assist in the search for and the safe recovery of the child [after child abduction]” (U.S. Department of Justice, 2013 p. 1). Both the Alba-Kenneth and the Amber Alert systems are good examples of laws that countries of origin can enact to increase child protection, but due diligence has to be done to implement them fully, as argued by the participants.

According to the 2011 Amber Alert report, “Each year these Alerts help safely rescue abducted children. Since the inception of the program in 1996 through December 31, 2011, 572 children have been safely rescued specifically due to Amber Alerts being issued” (National Center for Missing and Exploited Children, 2011, p. 1). In the United States, “Ninety-eight percent of the 495 Amber Alert recoveries have occurred since Amber Alert became a nationally coordinated effort in 2002” when the Amber Alert started to be implemented in all 50 states (U.S. Department of Justice, 2010, p.1). In contrast, child protection advocates in Guatemala view the implementation of the 2010 Alba Kenneth Alert law as insufficient, even after 2 years of since being enacted. For instance, as of July 27, 2012, there is no adequate procedure for enacting the law, the PNG has not assigned staff responsible for taking intakes of child abduction, and the National Civil Police reported that of the 585 alerts of disappeared children

for the first half of 2012, 345 cases have been resolved while 239 are without progress (La Prensa Libre, 2011). Although at the time of writing this dissertation, there was no comparable data for both countries (there are no data available for Alba-Kenneth Alerts in 2011 and for Amber Alerts during the first half of 2012), obviously, the number of cases of child abduction seems greater for Guatemala, and the recovery rate smaller for Guatemala. This is indicative that child abduction continues to be a significant social problem in Guatemala.

In the United States, legal requirements regarding language access are contained in the Civil Rights Act of 1964 which states that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (U.S. Department of Justice, 1964). The law in Guatemala upholds the rights of citizens to translation and interpretation when needed. Article 90 of the Penal Code (1973) requires that a person not understanding Spanish may be provided with translators or interpreters in criminal or civil judicial procedures. Art. 243 of the same Code requires translators or interpreters appearing before a judge or during the investigation of the Public Prosecutor's Office. Those needing these services have the right to appear with a technical adviser who may formulate objections regarding the official translation or interpretation. If these measures are not undertaken, the case can be dismissed. According to a lawyer acting as cultural consultant to this research, these regulations must apply to adoption proceedings, as these practices are mandatory since the Peace Accords for public institutions.

### **Implications for Social Work Education**

This case study and other relevant studies in Guatemala could be used for social work education in the United States in the context of expanding international social work (Roby,



Rotabi, & Bunkers, in press), which has become a priority for the Council on Social Work Education (CSWE). Based on this dissertation, the researcher plans to develop one or more case studies for classroom teaching. She expects that this research will make important contributions to social work education relevant to child welfare, intercountry adoption, and international social work, and more specifically, child abduction, trafficking and sale for intercountry adoption, among others.

The research findings suggest that greater collaboration across countries for improving social work education in Guatemala is urgent. Increased cooperation between American and Guatemalan universities could help strengthen social work education in Guatemala. Much remains to be done in terms of sharing lessons from the history and evolution of the child welfare system in the United States with counterparts in Guatemala. Support could be sought from multilateral agencies, such as UNICEF, as well as from international NGOs operating in Guatemala and from American universities with educational programs in that postconflict nation, including the Virginia Commonwealth University.

The researcher's experience of collaborating with Guatemalan scholars could serve as an example of how to engage with researchers in post-conflict, low-income, multicultural, and highly complex societies, such as Guatemala. The researcher learned that at the base of this engagement is cultural humility, trusting emergence and cultural immersion, and recognizing and respecting the variety of perspectives and experiences that this society and its people have and have lived. Relevant to social work education are the necessary in-depth knowledge of students about the international and national literature on the research topic (presented in Chapters 2 and 4), the use of alternative paradigms, such as constructivism (introduced in Chapter 3), and the application of systems, and feminist and cultural perspectives (laid out in Chapter 1). For this

researcher, this dissertation work has opened the opportunity to continue this line of scholarship, as the engagement with Guatemalan scholars and other foreigners doing research in and on Guatemala has made a tremendous difference in the way in which this research was conducted. Evidence of this global engagement is the commitment of the Women's Institute of the University of San Carlos of Guatemala to publish a synthesis of this dissertation, in Spanish.

### **Implications for Social Work Research**

This research has potentially important methodological implications for the application of constructivist inquiry in a bilingual, bicultural, and international setting. This section identifies possible areas for future research. It also suggests the need for evaluating HCIA, as it is implemented in subscribing countries.

As a follow up to this case study, research could be conducted regarding both micro and macro practice. Possible questions for follow up research include (a) How is grief and loss, particularly ambiguous loss, distinct in cases of child abduction in countries of origin of adopted children?; (b) Are child abductions with subsequent child trafficking and the sale of children another form of intercountry adoption in disguise? (as in Bromfield & Rotabi, 2012); (c) Is advocacy by and with victims and survivors of violence another form of empowerment?; (d) Do support strategies to victims and survivors of violence another model for social work intervention?; (e) Is child abduction another form of violence against women?; and (f) Is intercountry adoption another form of transracial and transnational genocide, linked to patriarchal oppression? (as inferred from Costantino, 2006; Rotabi et. al, 2008; Sanford, 2008)

Possible studies could be derived from the study with research questions such as: What is women's exposure to interpersonal and political violence when experiencing child abduction? What is their individual and collective resilience in multiple areas of functioning? These

questions could be addressed administrating among women self-reporting child abduction the Multidimensional Trauma Recovery and Resilience Interview (MTRR-I) and rating scale, MTRR-99. These scales have been used to assess traumatic impact, recovery, and resilience of Central American refugee women (Radan, 2007). Other research questions include: What are the private and social costs associated with child abduction (cost of search for a stolen child)? How do they compare to the costs of intercountry adoption (cost of adopting a child by an adoptive family)? What are the implications of the findings for child protection in Guatemala and worldwide? As discussed below, preliminary data was collected in this case study; however, more information is needed to address the social costs involved in child abduction for families and countries of origin.

The researcher, who has a background in economics, discussed with participants the cost of a search for their abducted child. Estimates calculated jointly with the research participants indicated that each of them spent or gave up income of about half million *quetzales* (about US\$63,351) during the 6-year search for the abducted child. The Fundación Sobrevivientes estimated its cost of service to the three research participants at about two hundred thousand *quetzales* (about US\$25,340 annually) or about US\$8,447 for each of them. The researcher was unable to get an estimate of the cost of service of the government agencies involved in the follow up to these three cases, but this can be assumed to be higher, as it has involved a wide range of agencies as indicated in the participants' stories. If the valuations and calculations are accurate, the cost of search for each of the research participants plus the corresponding share of supportive services from the Fundación Sobrevivientes is almost twice as much as the estimated cost of adopting a child internationally from Guatemala, which was estimated between US\$30,000 to US\$40,000 per child, according to CICIG (2010).

Further cost analysis in cases of child abduction would include valuing the cost to families, public institutions, and the larger society. This can be contrasted with the opportunity cost of investing in strengthening the child welfare system in Guatemala. Hansen (2007) conducted a similar cost analysis when comparing the public cost of keeping a child in the foster care system in the United States versus the public and private cost of raising the same child with an adoptive family in its territories. The study results indicated that “the human services cost of adoption is about half the cost of long-term foster care for children whose birth parents’ rights have been terminated [and are cared for by the state]. . . . In all, a dollar spent on the adoption of a child from foster care yields about three dollars in [social] benefits” (Hansen, 2007, from abstract).

Considering evaluation as research, the evaluation of the implementation of the HCIA becomes an opportunity for assessing the policy performance since the enactment of the new regulatory framework in Guatemala, including the new adoption law, the Alba-Kenneth Alert law, and other relevant, improved child protection laws. It is also possible to review the processing of domestic adoptions by the Consejo Nacional de Adopciones (CNA), the HCIA accreditation agency. The CNA has been focusing on national adoptions and on special needs and older children within the child welfare system. As alternative care schemes are being developed to promote family-based care, research on the implementation of these programs becomes urgent. In fact, family group conferencing (FGC) is considered a promising model for culturally appropriate placement practice as it involves parents, the extended family, kinship, and other key community players in the decision-making process (Rotabi et al., 2011). An assessment of the Guatemalan government’s compliance with the CICIG recommendations from its 2010 report on illegal adoptions also seems critical to address the prevailing culture of corruption and impunity in that postconflict country.

Thus, an extensive evaluation of HCIA is long overdue. Emphasis on exploring the policy implementation in countries such as Guatemala and other countries of origin could inform child welfare practice and policy by drawing conclusions about what is not working and by inferring lessons learned from strategies used to address the identified problems. Guba's policy-level framework and O'Connor and Netting's work (2010) could be used as a theoretical and methodological basis for the evaluation as research.

Finally, given the large number of Guatemalan-born children adopted in the United States prior and after the intercountry adoption moratorium in 2007—close to 5,000 that year, and close to 30,000 from 1999 to 2011 (U.S. Department of State, 2011a)—research on the welfare of these children is imperative. Substantial research on some of these topics has been carried out for children from Romania, China, and other large “sending” countries. For instance, a longitudinal study of U.S. adoptions from Romania (Groza et al., 2008); among 123 adoptive parents, most were adoptive mothers whose children were institutionalized prior to adoption and were about 10 years old (on average), about half of them girls, and adopted for about 8 years (on average). The study concluded that “the child's relationship with his/her adoptive parents is the greatest key to understanding parental perception of the current level of executive functioning. . . [or] a range of cognitive abilities and actions” (Groza et al., 2008, pp. 186, 201). As most Guatemalan-born children were adopted as infants, qualitative, quantitative, or mixed-method studies could be conducted on a wide range of child development issues, including parent-child attachment and child executive functioning postadoption. Studies of this type would be useful, particularly in light of the widespread allegations of child abduction, child trafficking, adoption fraud, and other forms of irregular adoptions prior to the moratorium of intercountry adoption from Guatemala.

### **Afterthought**

The researcher's personal aspiration of completing dissertation research to obtain a doctoral degree has been combined with her desire to bring about justice to the vulnerable population she investigated and with whom she engaged in this constructivist inquiry. As she found that birth parents and birth mothers were underrepresented in the literature (Rotabi & Gibbons, 2012; Wiley & Baden, 2005), she embarked intellectually on this extensive and expensive investigation from the beginning of her doctoral studies in 2007. This was only a year after the children of the research participants had been allegedly abducted.

Although intercountry adoptions from Guatemala have not been resumed as of the conclusion of this dissertation in May 2013, the researcher's early commitment to this research remains the same. This is because the social problem that originally inspired her to embark in this 6-year research effort (child abduction for intercountry adoption) is still present globally, even if sometimes in disguise. The researcher is particularly concerned with the linkages of child abduction to the growing problem of human trafficking around the world. The researcher hopes that by presenting this case study, the readers will pay attention to this serious social problem, and choose, like she did, to do something about it.

## References

- Abebe, T. (2009). Orphanhood, poverty and the care dilemma: Review of global policy trends. *Social Work and Society*, 7(1), 70-85. Retrieved from [http://www.socwork.net/2009/1/special\\_issue/abebe/SI\\_Abebe.pdf](http://www.socwork.net/2009/1/special_issue/abebe/SI_Abebe.pdf)
- Abrams, M. S. (2001). Resilience in ambiguous loss. *American Journal of Psychotherapy*, 55(2), 283-291.
- Alstein, H., & Simon, R. J. (1991). *Intercountry adoption – A multiple perspective*. New York, NY: Praeger.
- Andrew, A. M. (2007). China's abandoned children and transnational adoption: Issues and problems for U.S.–China relations, adoption agencies, and adoptive parents. *Journal of Women's History*, 19(1), 123-131. doi:10.1353/jowh.2007.0001
- Atzet, I. (2010). Post-crisis actions to avoid international child trafficking. *Journal of Law & Family Studies*, 12(2), 499-510.
- Ayers-Lopez, S. J., Henney, S. M., McRoy, R.G., Hanna, M. D., & Grotevant, H. D. (2008). Openness in adoption and the impact on birth mother plans for search and reunion. *Families in Society*, 89(4), 551-561. doi:10.1606/1044-3894.3815
- Baden, A. L., & Steward, R. J. (2000). A framework for use with racially and culturally integrated families: The cultural-racial identity model as applied to transracial adoption. *Journal of Social Distress and the Homeless*, 9(4), 309-336.
- Bailey, J. D. (2006). A practice model to protect ethnic identity of international adoptees. *Journal of Family Social Work*, 10(3), 1-11. doi:10.1300/J039v10n03\_01
- Bailey, J. D. (2009a). Expectations of the consequences of new international adoption policy in the U.S. *Journal of Sociology and Social Welfare*, 36(2), 169-182.

- Bailey, J. D. (2009b). Orphan care: An introduction. *Social Work and Society*, 7(1). Retrieved from [http://www.socwork.net/2009/1/special\\_issue/bailey](http://www.socwork.net/2009/1/special_issue/bailey)
- Bakermans-Kranenburg, M. J., van IJzendoorn, M. H., & Juffer, F. (2008). Early is better: A meta-analysis of 70 years of intervention improving cognitive development in institutionalized children. *Monographs of the Society for Research in Child Development*, 73(3), 279-293. doi:10.1111/j.1540-5834.2008.00498.x
- Barrett, S., & Aubin, C. (1990). Feminist considerations of intercountry adoptions. *Women and Therapy*, 10(1-2), 127. doi:10.1300/J015v10n01\_12
- Bartholet, E. (2007). International adoption: Thoughts on the human rights issues. *Buffalo Human Rights Law Review*, 13, 151-203.
- Bartholet, E. (2010). International adoption: The human rights position. *Global Policy*, 1(1), 91-100. doi:10.1111/j.1758-5899.2009.00001.x
- Bartholet, E. (2011a). International adoption: A way forward. *New York Law School Law Review*, 55(3), 687-699.
- Bartholet, E. (2011b). Permanency is not enough: Children need the nurturing parents found in international adoption. *New York Law School Law Review*, 55(3), 781-788.
- Bartholet, E., & Smolin, D. (2012). The debate. In J. L. Gibbons & K. S. Rotabi (Eds.), *Intercountry adoption: Policies, practices, and outcomes*. London, England: Ashgate Press.
- Bartner Graff, N. (2000). Intercountry adoption and the Convention on the Rights of the Child: Can the free market in children be controlled? *Syracuse Journal of International Law and Commerce*, 27(2), 405-430. doi:113069187



- Baslington, H. (2002). The social organization of surrogacy: Relinquishing a baby and the role of payment in the psychological detachment process. *Journal of Health Psychology*, 7(1), 57-71. doi:10.1177/1359105302007001652
- Berger, P. L., & Luckmann, T. (1967). *The social construction of reality – A treatise in the sociology of knowledge*. New York, NY: Anchor Books.
- Bergquist, K. J. S. (2009). Operation Babylift or Babyabduction: Implications of the Hague convention on the humanitarian evacuation and 'rescue' of children. *International Social Work*, 52(5), 621-633. doi:10.1177/0020872809337677
- Bergquist, K. J. S. (2012). Implications of the Hague Convention on the humanitarian evacuation and 'rescue' of children. In J. L. Gibbons & K. S. Rotabi (Eds.), *Intercountry adoption: Policies, practices, and outcomes*. London, England: Ashgate Press.
- Betz, G., & Thorngren, J. M. (2006). Ambiguous loss and the family grieving process. *Family Journal*, 14(4), 359-365. doi:10.1177/1066480706290052
- Bhargava, V. (2005). *Adoptions in India – Policies and experiences*. New Dehli, India: Sage.
- Bimmel, N., Juffer, F., van IJzendoorn, M. H., & Bakermans-Kranenburg, M. J. (2003). Problem behavior of internationally adopted adolescents: A review and meta-analysis. *Harvard Review of Psychiatry*, 11(2), 64-77. doi:10.1080/10673220303955
- Birkland, T. A. (2005). *An introduction to the policy process: Theories, concepts and models of public policy making* (2nd ed.). New York, NY: M.E. Sharpe.
- Blaire, M. (2005). Safeguarding the interests of children in intercountry adoption: Assessing the gatekeepers. *Capital University Law Review*, 34, 349-403.

- Bos, P. (2007). *Once a mother: Relinquishment and adoption from the perspective of unmarried mothers in South India*. Retrieved from [http://webdoc.ubn.ru.nl/mono/b/bos\\_g/oncea\\_mo.pdf](http://webdoc.ubn.ru.nl/mono/b/bos_g/oncea_mo.pdf)
- Boss, P. (1999). Ambiguous loss: Living with frozen grief. *Harvard Mental Health Letter*, 16(5), 4-6.
- Boss, P. (2002). Ambiguous loss: Working with families of the missing. *Family Process*, 41(1), 14-17. doi:10.1111/j.1545-5300.2002.40102000014.x
- Boss, P. (2007). Ambiguous loss theory: Challenges for scholars and practitioners. *Family Relations*, 56(2), 105-111. doi:10.1111/j.1741-3729.2007.00444.x
- Boss, P. (2010). The trauma and complicated grief of ambiguous loss. *Pastoral Psychology*, 59(2), 137-145. doi:10.1007/s11089-009-0264-0
- Bowen, G. A. (2008). Naturalistic inquiry and the saturation concept: A research note. *Qualitative Research*, 8, 137-152. DOI: 10.1177/1468794107085301
- Brock, T. (2003, October). *A framework for implementation research: Towards better program description and explanation of effects*. Oakland, CA: MDRC.
- Bromfield, N. F., & Rotabi, K. S. (2012). Human trafficking and the Haitian child abduction attempt: Policy analysis and implications for social workers and NASW. *Journal of Social Work Values and Ethics*, 9(1), 1-25. Retrieved from <http://www.socialworker.com/jswve/spring12/spr123.pdf>
- Bronfenbrenner, U. (1979). *The ecology of human development*. Cambridge, MA: Harvard University.
- Brown, A. (2009). International adoption law: A comparative analysis. *The International Lawyer*, 43(3), 1337-1343.

- Brysk, A. (1994). *The politics of human rights in Argentina: Protest, change and democratization*. Stanford, CA: Stanford University.
- Bunkers, K. M. (2010). Informal family-based care options: Protecting children's rights? A case study of Gudifecha in Ethiopia. (Master's Dissertation). Addis Ababa, Ethiopia: Author.
- Bunkers, K. M., & Groza, V. (2012). Intercountry adoption and child welfare in Guatemala: Lessons learned pre and post ratification of the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry. In J. L. Gibbons & K. S. Rotabi (Eds.). *Intercountry adoption: Policies, practices, and outcomes*. London, England: Ashgate.
- Bunkers, K. M., Groza, V., & Lauer, D. (2009). International adoption and child protection in Guatemala: A case of the tail wagging the dog. *International Social Work*, 52(5), 649-660. doi: 10.1177/0020872809337676
- Bunkers, K. M., Rotabi, K. S., & Mezmur, B. (2012). Ethiopia: Intercountry adoption risks and considerations for informal care. In J. L. Gibbons & K. S. Rotabi (Eds.). *Intercountry adoption: Policies, practices, and outcomes*. London, England: Ashgate Press.
- Burrell, G., & Morgan, G. (1979). *Sociological paradigms and organizational analysis*. London, England: Heinemann.
- Cannella, G. S., & Lincoln, Y. S. (2007). Predatory vs. dialogic ethics: Construction an illusion or ethical practice as core of research methods. *Qualitative Inquiry*, 13, 315-335. doi: 10.1177/1077800406297648
- Cantwell, N. (2004, September). *The impact of the CRC on the concept of "best interests of the child."* Paper presented at a workshop on the best interests of the child at the Vrije Universiteit, Amsterdam. Retrieved from <http://www.dei-france.org/journees->

[etude/je2010/doc\\_interet-superieur-de-l-enfant/cantwell-nigel\\_Impact-of-the-crc-on-best-interests-of-child\\_6p\\_en.pdf](http://etude/je2010/doc_interet-superieur-de-l-enfant/cantwell-nigel_Impact-of-the-crc-on-best-interests-of-child_6p_en.pdf)

Cantwell, N. (2005). The challenges of out-of-home care. *Early Childhood Matters*, 5(2), 4-14.

Retrieved from the Bernard van der Leer Foundation website,

<http://www.crin.org/docs/Children%20Without%20Parental%20Care.pdf>

Carlson, R. (2010). Seeking the better interests of children with a new international law of adoption. *New York Law School Law Review*, 55(3), 733-779.

Carney, S. (2009). Meet the parents. *Mother Jones*, 34(2), 60-65.

Carstens, C., & Julia, M. (2000). Ethnoracial awareness in intercountry adoption: U.S. experiences. *International Social Work*, 43(1), 61-73.

Casa Alianza, Presidential Commission for Human Rights [COPREDEH], Myrna Mack Foundation, Survivors Foundation, Social Movement for the Rights of Children and Adolescents, Human Rights office of the Archbishop of Guatemala, and the Social Welfare Secretariat. (2007). *Adoptions in Guatemala: Protection or market?* Guatemala City, Guatemala: Casa Alianza Publications.

Center for Adoption Policy. (2013, January 17). [Online]. Universal Accreditation Act of 2012 Becomes Law. Retrieved from

<http://www.adoptionpolicy.org/>

Central American Women's Network. (2010). [Online] *Toolkit for intersection violences:*

*Putting intersectional analysis into practice.* Retrieved from

<http://www.cawn.org/11/intersectionalanalysis.htm>

Chang, M. (2009). Womb for rent: India's commercial surrogacy. *Harvard International Review*, 31(1), 11-12.

- Charmaz, K. (2006). *Constructing grounded theory: A practical guide through qualitative analysis*. Thousand Oaks, CA: Sage.
- Chase, S. E. (2005). Narrative inquiry: Multiple lenses, approaches, voices. In N. K. Denzin & Y. S. Lincoln (Eds.), *Sage handbook of qualitative research* (3rd ed., pp. 651-679). Thousand Oaks, CA: Sage.
- Chávez Ixtamer, M. (2008). La convención internacional sobre los derechos del niño y la imposibilidad legal del reconocimiento contenido en el artículo 215 del Código Civil guatemalteco [The international convention on the rights of the child and the legal impossibility to recognize the contents of Article 215 of the Guatemalan Civil Code]. (Bachelor of law thesis). Available from the thesis database of the Universidad de San Carlos de Guatemala [University of San Carlos of Guatemala]. (Thesis No. 04T (7572)).
- Chin, E. (2003). Children out of bounds in globalising times. *Postcolonial Studies*, 6(3), 309-325.
- Chow, J. C-C., & Austin, M. J. (2008). The culturally responsive social service agency: An application of an evolving definition to a case study. *Administration in Social Work*, 32(4), 39-64. doi:10.1080/03643100802293832
- Christian, C. L., McRoy, R. G., Grotevant, H. D., & Bryant, C. M. (1997). Grief resolution of birthmothers in confidential, time-limited mediated, ongoing mediated, and fully disclosed adoptions. *Adoption Quarterly*, 1, 35-58. doi:10.1300/J145v01n02\_03
- Collaborative Institutional Training Initiative (CITI) Program. (2011). *CITI course in the protection of human research subjects*. Retrieved from <https://www.citiprogram.org>
- Collinson, A. (2007). The littlest immigrants: Cross-border adoption in the Americas, policy, and women's history. *Journal of Women's History*, 19(1), 132-141.

- Comision Internacional contra la Impunidad, CICIG [International Commission against Impunity in Guatemala]. (2010). *Report on players Involved in the illegal adoption process in Guatemala since the entry into force of the Adoption Law (Decree 77-2007)*. Retrieved from [http://www.cicig.org/uploads/documents/adoptionsreport\\_CICIG2010.pdf](http://www.cicig.org/uploads/documents/adoptionsreport_CICIG2010.pdf)
- Congress of Guatemala (1973). *Codigo Penal de Guatemala – Decreto No. 17-73* [Penal Code – Decree 17-73]. Retrieved from <http://leydeguatemala.com/codigo-procesal-penal/45/>
- Congress of Guatemala. (2009). Decreto numero 9-2009: Ley contra la violencia sexual, explotacion y trata de personas [Decree number 9-2009: Law against sexual violence, exploitation, and human trafficking]. Retrieved from [http://sobrevivientes.org/docs/L-vsx\\_expl\\_trata.pdf](http://sobrevivientes.org/docs/L-vsx_expl_trata.pdf)
- Congress of Guatemala. (2010). Decreto numero 28-2010: Ley del sistema de alerta Alba-Keneth [Decree number 28-2010: Law of the Alba-Keneth Alert System]. Retrieved from [http://sobrevivientes.org/docs/L-alba\\_keneth.pdf](http://sobrevivientes.org/docs/L-alba_keneth.pdf)
- Consejo Nacional de Adopciones [National Council of Adoptions] (CNA). (2007). *Decreto del Congreso [Decree of the Congress of Guatemala] 77-2007*. Retrieved from <http://www.cna.gob.gt/portal/doc/58267%20DECRETO%20DEL%20CONGRESO%207-2007.pdf>
- Contreras, R. B. (2011). *An introductory guide to ATLAS.ti*. Greenville, NC: Ethnoanalysis Qualitative Research.
- Cook, J. F. (1995). A history of placing-out: The orphan trains. *Child Welfare*, 74 (1), 181-197.
- Costantino, R. (2006). Feminicide, impunity, and citizenship: The old and new in the struggle for justice in Guatemala. *The Journal of Mujeres Activistas en Letras y Cambio Social*, 6(1), 107-121.

- Council on Accreditation [COA]. (2007). *Hague accreditation and approval standards [in the U.S.]*. New York: Author. Retrieved from [http://www.coanet.org/files/Hague\\_Accreditation\\_and\\_Approval\\_Standards.pdf](http://www.coanet.org/files/Hague_Accreditation_and_Approval_Standards.pdf)
- Crea, T. (2009). Intercountry adoptions and domestic home study practices: SAFE and the Hague Adoption Convention. *International Social Work*, 52(5), 673-678.  
doi:10.1177/0020872809337683
- Crenshaw, K. W. (1991). Mapping the margins: Intersectionality, identity politics, and violence against women of color. Retrieved from [http://er.uqam.ca/nobel/politis/IMG/pdf/Pol-8111-10-MichelineDeSeve-Mapping\\_the\\_Margins.pdf](http://er.uqam.ca/nobel/politis/IMG/pdf/Pol-8111-10-MichelineDeSeve-Mapping_the_Margins.pdf)
- Crozier, G.K.D. (2010). Protecting cross-border providers of ova and surrogacy services? *Global Social Policy*, 10, 299-303. doi: 10.1177/14680181100100030205
- Daly, L. B. (2007). To regulate or not to regulate: The need for compliance with international norms by Guatemala and cooperation by the United States in order to maintain intercountry adoptions. *Family Court Review*, 45(4), 620-637.
- Davis, C. E. (1994). Separation loss in relinquishing birthmothers. *International Journal of Psychiatric Nursing Research*, 1(2), 63-70.
- Day, P. (1994). *A new history of social welfare*. Englewood Cliffs, NJ: Perdue University.
- Decreto [Decree] 97-96. (1996). Ley para prevenir, sancionar y erradicar la violencia intrafamiliar [Law to prevent, sanction, and eradicate intra-familira violence]. Retrieved from <http://www.unhcr.org/refworld/type,LEGISLATION,,GTM,3dbe6f367,0.html>
- De Simone, M. (1996). Birth mother loss: Contributing factors to unresolved grief. *Clinical Social Work Journal*, 24(1), 65-76. doi:10.1007/BF02189942

- Dickens, J. (2009). Social policy approaches to intercountry adoption. *International Social Work*, 52(5), 595-607. doi:10.1177/0020872809337678
- Dickens, J., & Groza, V. (2004). Empowerment in difficulty: A critical appraisal of international intervention in child welfare in Romania. *International Social Work*, 47(4), 469-487. doi:10.1177/0020872804046254
- Dillon, S. (2008). The missing link: A social orphan protocol to the United Nations Convention on the Rights of the Child. *Human Rights and Globalization Law Review*, 1, 39-75. Retrieved from <http://ssrn.com/abstract=1136879>
- Dohle, A. (2008). Inside story of an adoption scandal. *Cumberland Law Review*, 39(1), 131-186.
- Donovan, M. S. (2003). Intercountry adoption: Toward a regime that recognizes the "best interests" of adoptive parents. *Case Western Reserve Journal of International Law*, 35(1), 113-152.
- Dorow, S. K. (2006). Client, ambassador or gift: Managing adoption exchange. In S. K. Dorow, *Transnational adoption: A cultural economy of race, gender and kinship* (pp. 113-151). New York, NY: New York University.
- Dowd, N. E. (1994). A feminist analysis of adoption. *Harvard Law Review*, 107, 913-936.
- Dowling, M., & Brown, G. (2009). Globalization and international adoption from China. *Child & Family Social Work*, 14(3), 352-361. doi:10.1111/j.1365-2206.2008.00607.x
- Doyle, J. (2010). *Misguided kindness: Making the right decisions for children in emergencies*. Retrieved from Save the Children website: [http://reliefweb.int/sites/reliefweb.int/files/resources/1481589D74C062C4C12577FF003BCCFC-Full\\_report.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/1481589D74C062C4C12577FF003BCCFC-Full_report.pdf)



- Dubinsky, K. (2010). *Babies without borders*. [Kindle DX version]. Retrieved from <http://www.amazon.com/>
- Duncan, W. (2000). The Hague Convention on Protection of Children and Cooperation in Respect to Intercountry Adoption – Its birth and prospects. In P. Selman (Ed.), *Intercountry adoption: Developments, trends and perspectives* (pp. 40-52). London, England: British Agencies for Adoption and Fostering.
- Ennew, J. (2005). Prisoners of childhood: Orphans and economic dependency. In Qvortrup, J., (Ed.), *Studies of modern childhood: Society, agency and culture* (pp. 128-146). London, England: Palgrave Macmillan.
- Estrada Zepeda, B. E. (2009). *Estudio Jurídico-social sobre trata de personas en Guatemala [Socio-judicial study on human trafficking in Guatemala]*. Guatemala City, Guatemala: Fundación Sobrevivientes [Survivors Foundation].
- Fawcett, J. (1999). *The relationship of theory and research (3rd ed)*. Philadelphia, PA: F.A. David Company.
- Fernandez, A. A. (2007). *Adopciones en Guatemala [Adoptions in Guatemala]*. Antigua, Guatemala: Universidad Mariano Galvez, Facultad de Humanidades.
- Fessler, A. (2006). *The girls who went away: The hidden history of women who surrendered children for adoption in the decades before Roe v. Wade*. New York, NY: Penguin.
- Folgar Hernandez, E. L. (2009). Análisis jurídico comparativo de la ley de adopciones para determinar el grado de protección y garantías que goza la niñez Guatemalteca [Comparative judicial analysis of the adoption law to determine the degree of protection and the guarantees which Guatemalan children enjoy]. (Bachelor of law thesis).

- Available from the thesis database of the Universidad de San Carlos de Guatemala [University of San Carlos of Guatemala]. (Thesis No. 04T (7823)).
- Freundlich, M. (1998). Supply and demand: The forces shaping the future of infant adoption. *Adoption Quarterly*, 2(1), 13-46. doi:10.1300/J145v02n01\_03
- Freundlich, M. (2000). Market forces: The issues in international adoption. In M. Freundlich, *Adoption and ethics* (pp. 37-66). Washington, DC: Child Welfare League of America.
- Freundlich, M. (2002). Adoption research: An assessment of empirical contributions to the advancement of adoption practice. *Journal of Social Distress and the Homeless*, 11(2), 143-166.
- Fronek, P., & Tilse, C. (2010). Controversy and its implications for the practices of contemporary social work in intercountry adoptions: A Korean-Australian case study. *Australian Social Work*, 63(4), 445-459. doi:10.1080/0312407X.2010.512957
- Fundación Sobrevivientes [Survivors Foundation]. (2009). *Informe de Labores 2009 [Annual report 2009]*. Retrieved from [http://sobrevivientes.org/docs/INFORME\\_2009.pdf](http://sobrevivientes.org/docs/INFORME_2009.pdf)
- Gibbons, J. (2011, June). Do symbols of children as innocent, orphaned, and vulnerable serve children's best interests? *PsycCRITIQUES*, 56(25). Retrieved from [http://psqtest.typepad.com/blogPostPDFs/201107252\\_psq\\_56-25\\_doSymbolsOfChildrenAsInnocent.pdf](http://psqtest.typepad.com/blogPostPDFs/201107252_psq_56-25_doSymbolsOfChildrenAsInnocent.pdf)
- Gibbons, J. L., & Rotabi, K. S. (2012). *Intercountry adoption: Policies, practices, and outcomes*. London, England: Ashgate.
- Gibbons, J., Wilson, S., & Schnell, A. (2009). Foster parents as a critical link and resource in international adoptions from Guatemala. *Adoption Quarterly*, 12(2), 59. doi:10.1080/10926750902978808

- Gil, D. G. (1998). *Confronting injustice and oppression*. New York, NY: Columbia University.
- Gilteri, E. (2000). Excluded mothers: Birth mothers relinquishing their children. In P. Selman (Ed.), *Intercountry adoption: Developments, trends and perspectives* (pp. 458-466). London, England: British Agencies for Adoption and Fostering.
- Glesne, C. (2006). *Becoming qualitative researchers: An introduction*. Boston, MA: Pearson.
- Goldschmidt, I. (1986). National and intercountry adoptions in Latin America. *International Social Work*, 29(3), 257-268.
- Gomez Esquivel, C. P. (2011). Conveniencia de la reforma del Artículo 6 de la Ley de Adopciones, que limita la situación de pobreza y pobreza extrema para ser adoptado, en virtud de la situación económica de la sociedad Guatemalteca [Convenience of the reform of the Article 6 of the Adoption Law that limits the poverty and extreme poverty situation to be adopted, in light of the economic situation of the Guatemalan society]. (Bachelor of law thesis). Available from the thesis database of the Universidad de San Carlos de Guatemala [University of San Carlos of Guatemala]. (Thesis No. 04T (8956)).
- Gordon, L. (1999). *The great Arizona orphan abduction*. Cambridge, MA: Harvard University.
- Green, D. M. (2010). The paradox of self-determination for marginalized individuals. *Social Work and Society*, 8(1). Retrieved from <http://www.socwork.net/2010/1/green>
- Gresham, K., Nackerud, L., & Risler, E. (2003). Intercountry adoption from Guatemala and the United States: A comparative policy analysis. *Journal of Immigrant & Refugee Studies*, 1(3-4), 1-20. doi:10.1300/J191v01n03\_01
- Grice, H. (2005). Transracial adoption narratives. *Meridians*, 5(2), 124-148.

- Groza, V., Ryan, S. D., & Thomas, S. (2008). Institutionalization, Romanian adoptions and executive functioning. *Child & Adolescent Social Work Journal*, 25, 185–204.  
doi10.1007/s10560-008-0120-6
- Guatemala 900. (2011). *The campaign*. Retrieved from <http://guatemala900.org/wp/>
- Guba, E. G. (1984). The effect of definitions of policy on the nature and outcomes of policy analysis. *Educational Leadership*, 42(2), 63-70.
- Guba, E. G. (1990). The alternative paradigm dialogic. In E.G. Guba (Ed.), *The paradigm dialogic* (pp. 17-27). Newbury Park, CA: Sage.
- Guba, E. G., & Lincoln, Y. S. (1989). *Fourth generation evaluation*. Newbury Park, CA: Sage.
- Hague Conference on Private International Law [HCCH]. (1980a). *Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*. Retrieved from <http://www.hcch.net/upload/conventions/txt28en.pdf>
- Hague Conference on Private International Law [HCCH]. (1980b). *Convention of 25 October 1980 on the Civil Aspects of International Child Abduction – Outline*. Retrieved from <http://www.hcch.net/upload/outline28e.pdf>
- Hague Conference on Private International Law [HCCH]. (1993a). *Convention of 29 May 1993 on Protection of Children and Co-Operation in Respect of Intercountry Adoption*. Retrieved from [http://www.hcch.net/index\\_en.php?act=conventions.text&cid=69](http://www.hcch.net/index_en.php?act=conventions.text&cid=69)
- Hague Conference on Private International Law [HCCH]. (1993b). *Explanatory report on the 1993 Hague Intercountry Adoption Convention*. Retrieved from <http://www.hcch.net/upload/expl33e.pdf>
- Hague Conference on Private International Law [HCCH]. (2005). Draft guide to good practice under the Hague Convention of 29 May 1993 on Protection of Children and Co-operation

- in Respect of Intercountry Adoption – Implementation. Retrieved from [http://www.hcch.net/upload/wop/ado\\_pd02e.pdf](http://www.hcch.net/upload/wop/ado_pd02e.pdf)
- Hague Conference on Private International Law [HCCH]. (2007a). [Online] *News & events: Permanent Bureau team assists Guatemala with the implementation of the 1993 Hague Convention*. Retrieved from [http://www.hcch.net/index\\_en.php?act=events.details&year=2007&varevent=132&zoek=guatemala](http://www.hcch.net/index_en.php?act=events.details&year=2007&varevent=132&zoek=guatemala)
- Hague Conference on Private International Law [HCCH]. (2007b). *Report of a fact-finding mission to Guatemala in relation to intercountry adoption*. Retrieved from [http://www.hcch.net/upload/wop/mission\\_gt33e.pdf](http://www.hcch.net/upload/wop/mission_gt33e.pdf)
- Hague Conference on Private International Law [HCCH]. (2008a). *Guatemala: Annual adoption statistics 1997-2005*. Retrieved from [http://hcch.e-vision.nl/upload/adostats\\_gu.pdf](http://hcch.e-vision.nl/upload/adostats_gu.pdf)
- Hague Conference on Private International Law [HCCH]. (2008b). *The implementation and operation of the 1993 Hague Intercountry Adoption Convention: Guide to good practice*. Retrieved from [http://www.hcch.net/upload/wop/ado\\_pd02e.pdf](http://www.hcch.net/upload/wop/ado_pd02e.pdf)
- Hague Conference on Private International Law [HCCH]. (2010). *Special Commission on the practical operation of the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (17-25 June 2010)*. Retrieved from [http://www.hcch.net/upload/wop/adop2010concl\\_e.pdf](http://www.hcch.net/upload/wop/adop2010concl_e.pdf)
- Hague Conference on Private International Law [HCCH]. (2011). [Online] *Status table 33: Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption*. Retrieved from [http://www.hcch.net/index\\_en.php?act=conventions.status&cid=69#legend](http://www.hcch.net/index_en.php?act=conventions.status&cid=69#legend)

- Hansen, M. E. (2007). The value of adoption. *Adoption Quarterly* 10(2), 65-87.  
doi:101300/J145v10n02\_03. Retrieved from  
<http://www.fosteringconnections.org/tools/assets/files/Value-of-Adoption.pdf>
- Harding, F. L. (1997). *Perspectives in child care policy* (2nd. ed.). United Kingdom: Longman Group.
- Harney, P. A. (2007). Resilience processes in context. *Journal of Aggression, Maltreatment & Trauma*, 14:3, 73-87.
- Hawkins, A., Beckett, C., Castle, J., Groothues, C., Sonuga-Barke, E., Colvert, E., Rutter, M. (2007). The experience of adoption (1): A study of intercountry and domestic adoption from the child's point of view. *Adoption & Fostering*, 31(4), 5-16.
- Healy, L. M. (2008). Exploring the history of social work as a human rights profession. *International Social Work*, 51, 735-748. doi:10.1177/0020872808095247
- Herman, E. (n.d.). *The adoption history project*. University of Oregon. Retrieved from  
<http://pages.uoregon.edu/adoption/>
- Herrmann, K. (2010). Reestablishing the humanitarian approach to adoption: The legal and social change necessary to end the commodification of children. *Family Law Quarterly*, 44(3), 409-429.
- Herrmann, K., & Kasper, B. (1992). International adoption: The exploitation of women and children. *Affilia*, 7(1), 45-58. doi:10.1177/088610999200700104
- Hodge, D. R., & Lietz, C. A. (2007). The international sexual trafficking of women and children: A review of the literature. *Affilia*, 22(2), 163–174. doi:10.1177/0886109907299055
- Hoffart, N. (1991). A member check procedure to enhance rigor in naturalistic research. *Western Journal of Nursing Research*, 13, 522. doi:10.1177/019394599101300408

- Högbacka, R. (2012). Maternal thinking in the context of stratified reproduction: Perspectives of birth mothers from South Africa. In J. L. Gibbons & K. S. Rotabi (Eds.), *Intercountry adoption: Policies, practices, and outcomes*. London, England: Ashgate.
- Hoksbergen, R. A.C. (2000). Changes in attitudes in three generations of adoptive parents: 1950-2000. In P. Selman (Ed.), *Intercountry adoption: Developments, trends and perspectives* (pp. 86-101). London, England: British Agencies for Adoption and Fostering.
- Hollinger, J. (2004). Intercountry adoption: Forecasts and forebodings. *Adoption Quarterly*, 8(1), 41-60. doi:10.1300/J145v08n01\_03
- Hollingsworth, L. D. (2003). International adoption among families in the United States: Considerations of social justice. *Social Work*, 48(2), 209-217.
- Hollingsworth, L. D. (2008). Does the Hague Convention on Intercountry Adoption address the protection of adoptees' cultural identity? And should it? *Social Work*, 53(4), 377-379.
- Howe, D. (2006). Development attachment psychotherapy with fostered and adopted children. *Child and Adolescent Mental Health*, 11(3), 128-134.
- Houston, S. (2002). Rethinking a systematic approach to child welfare: A critical response to the framework for the assessment of children in need and their families. *European Journal of Social Work*, 5(3), 301-312.
- Humbyrd, C. (2009). Fair trade international surrogacy. *Developing World Bioethics*, 9(3), 111-118. doi:10.1111/j.1471-8847.2009.00257.x
- Hutchison, E. (2008). *Dimensions of human behavior: The changing life course* (3rd. ed.). Thousand Oaks, CA: Sage.
- Ife, J. (2008). *Human rights and social work: Towards rights-based practice*. [Kindle DX version]. Retrieved from <http://www.amazon.com/>

- Instituto Latinoamericano para la Educación y la Comunicación, ILPEC [Latin American Institute for Education and Communication] (2000). *Adopción y los derechos del niño en Guatemala [Adoption and the rights of the child in Guatemala]*. Retrieved from <http://www.cna.gob.gt/portal/doc/Adopcion%20y%20derechos%20del%20nino.pdf>
- Intercountry Adoption Act of 2000 – P.L. 106-279. (2000). Retrieved from the website of the U.S. Government Printing Office: <http://www.gpo.gov/fdsys/pkg/BILLS-106hr2909enr/pdf/BILLS-106hr2909enr.pdf>
- International Federation of Social Workers (IFSW) & International Association of Schools of Social Work (IASSW). (2004). *Ethics in social work, statement of principles*. Retrieved from <http://www.ifsw.org/en/p38000398.html>
- Ishizawa, H., Kenney, C. T., Kubo, K., & Stevens, G. (2006). Constructing interracial families through intercountry adoption. *Social Science Quarterly*, 87(5), 1207-1224.  
doi:10.1111/j.1540-6237.2006.00424.x
- Jacobs, S., Mazure, C., & Prigerson, H. (2000). Diagnostic criteria for traumatic grief. *Death Studies*, 24(3), 185-199. doi:10.1080/074811800200531
- Jadva, V., Murray, C., Lycett, E., MacCallum, F., & Golombok, S. (2003). Surrogacy: The experiences of surrogate mothers. *Human Reproduction*, 18(10), 2196-2204.  
doi:10.1093/humrep/deg397
- Joe, B. (1978). In defense of intercountry adoption. *Social Service Review*, 52(1), 1-20.  
doi:10.1086/643585
- Johnson, K. (2004). *Wanting a daughter, needing a son: Abandonment, adoption and orphanage care in China*. St. Paul, MN: Yeong & Yeong.



- Johnson, K., Banghan, H., & Liyao, W. (1998). Infant abandonment and adoption in China. *Population and Development Review*, 24(3), 469-510. doi:10.2307/2808152
- Johnson Butterfield, A. K., & Alemu, T. (2006). Adoption in Africa. In K.S. Stolley & V. L. Bullough (Eds.). *The Praeger handbook of adoption*, 1 (pp. 66-70). New York, NY: Praeger.
- Jones, B. M. (1993). *Birthmothers: Women who have relinquished babies for adoption tell their stories*. Chicago, IL: Chicago Review Press.
- Juffer, F., & Tieman, W. (2009). Being adopted: Internationally adopted children's interest and feelings. *International Social Work*, 52, 635-647. doi:10.1177/0020872809337682
- Juffer, F., van Ijzendoorn, M. H., & Palacios, J. (2011). Recuperación de niños y niñas tras su adopción [Children's recovery after adoption]. *Infancia y Aprendizaje*, 34(1), 3-18. doi:10.1174/021037011794390102
- Kahan, M. (2006). "Put up" on platforms: A history of twentieth century adoption policy in the United States. *Journal of Sociology & Social Welfare*, 33(3), 51-72.
- Kaplan, L. E., & Bryant V. (2009). A conceptual framework for considering informed consent. *Journal of Social Work Values and Ethics*, 6(3). Retrieved from <http://www.socialworker.com/jswve/content/view/130/69/>
- Kane, S. (1993). The movement of children for international adoption: An epidemiologic perspective. *Social Science Journal*, 30 (4), 323-340.
- Kapstein, E. B. (2003). The baby trade. *Foreign Affairs*, 82(6), 115-125. doi:437597931
- Kingdon, J. W. (2003). *Agendas, alternatives, and public policies* (2nd ed.). New York, NY: Longman.

- Kligman, G. (1992). Abortion and international adoption in post-Ceausescu Romania. *Feminist Studies*, 18, 405-419. doi:10.2307/3178237
- Klockau, L. (2009). A primer on adoption law. *Family Advocate*, 31(3), 16-21. doi:1739576151
- Kolbay, B. (2005). *Guatemala's Ley de Protección Integral de la Niñez y Adolescencia [Law of Comprehensive Protection of Children and Adolescents]: One year on*. Retrieved from <http://www.juvenilejusticepanel.org/resource/items/G/u/GuatemalaBrendanKolbayReportJan05.pdf>
- La Prensa Libre. (2012, July 27). [Online]. Alerta Alba-Keneth continúa sin funcionar de manera adecuada [Alba-Keneth Alert continues not functioning adequately]. Retrieved from [http://prensalibre.com/noticias/comunitario/Alerta-Alba-Keneth-funcionar-adecuadamente\\_0\\_743925857.html](http://prensalibre.com/noticias/comunitario/Alerta-Alba-Keneth-funcionar-adecuadamente_0_743925857.html)
- Laurence, J. K., Sehdev, M., Whitley, R., Stéphane, F. D., & Isaac, C. (2009). Community resilience: Models, metaphors and measures. *Journal of Aboriginal Health*, 5(1), 62-117. Retrieved from <http://search.proquest.com.proxy.library.vcu.edu/docview/1138545030?accountid=14780>
- Leifsen, E. (2008) Child trafficking and formalisation: The case of international adoption from Ecuador. *Children & Society*, 22(3), 212-222. doi:10.1111/j.1099-0860.2008.00152.x
- Leon, I. C. (2002). Adoption losses: Naturally occurring or socially constructed? *Child Development*, 73(2), 652-663. doi:10.1111/1467-8624.00429
- Lincoln, Y. S., & Gonzalez y Gonzalez, E. M. (2008). The search for emerging decolonizing methodologies in qualitative research: Further strategies for liberatory and democratic inquiry. *Qualitative Inquiry*, 14, 784-805. doi:10.1177/1077800408318304
- Lincoln, Y. S., & Guba, E. G. (1985). *Naturalistic inquiry*. London, England: Sage.

- Lincoln, Y. S., & Tierney, W.G. (2008). Qualitative research and institutional review boards. *Qualitative Inquiry*, 10, 219-234. doi:10.1177/1077800403262361
- Lind, J., & Johansson, S. (2009). Preservation of the child's background in in- and intercountry adoption. *International Journal of Children's Rights*, 17(2), 235-260. doi:10.1163/157181808X389245
- Lobb, E. A., Kristjansonb, L. J., Aounb, S. M., Monterossobc, L., Halkettb, J. K. B., & Davies, A. (2010). Predictors of complicated grief: A systematic review of empirical studies. *Death Studies*, 34(8), 673-698. doi:10.1080/07481187.2010.496686
- Luster, T., Qin, D., Bates, L., Johnson, D., & Rana, M. (2009). The lost boys of Sudan: Coping with ambiguous loss and separation from parents. *American Journal of Orthopsychiatry*, 79(2), 203-211. doi:10.1037/a0015559
- Mallon, G. P., & McCartt Hess, P. (2005). *Child welfare for the 21st century: A handbook of practices, policies and programs*. New York, NY: Columbia University.
- Mander, R. (1992). Seeking approval for research access: The gatekeeper's role in facilitating a study of the care of the relinquishing mother. *Journal of Advanced Nursing*, 17(12), 1460-1464. doi:10.1111/j.1365-2648.1992.tb02818.x
- Mapp, S. C. (2007). *Human rights and social justice in a global perspective: An introduction to international social work*. [Kindle DX version]. Retrieved from <http://www.amazon.com/>
- Masson, J. (2001). Intercountry adoption: A global problem or a global solution? *Journal of International Affairs*, 55(1), 141-166.
- Matlan, R. E. (1995). Synthesizing the implementation literature: The ambiguity-conflict model of policy implementation. *Journal of Public Administration Research and Theory*, 5(2), 145-174.

- McGowan, B. G., & Meezan, W. (1983). *Child welfare—Current dilemmas, future directions*. Itasca, IL: F. E. Peacock.
- McKinney, L. (2007). International adoption and the Hague Convention: Does implementation of the Convention protect the best interests of children? *Whittier Journal of Child and Family Advocacy*, 6, 361-375.
- Meier, P. J. (2008). Small commodities: How child traffickers exploit children and families in intercountry adoption and what the United States must do to stop them. *Journal of Gender, Race & Justice*, 12, 185-224.
- Merriam-Webster. (2013). Definition of reparation. Retrieved from <http://www.merriam-webster.com/dictionary/reparation>
- Mónico, C., & Rotabi, K. S. (2011). *Study of the psychosocial and mental issues related to the implementation of the 1993 U.N. Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption*. Manuscript in preparation.
- Mónico, C., & Rotabi, K. S. (2012). Truth, reconciliation and searching for the disappeared children of civil war: El Salvador's search and reunion model defined. In J. L. Gibbons & K. S. Rotabi (Eds.). *Intercountry adoption: Policies, practices, and outcomes*. Surrey, England: Ashgate.
- Moser, C. O. N., & Clark, F. C. (2001). Gender, conflict, and building sustainable peace: Recent lessons from Latin America. *Gender & Development*, 9(3), 29-39.  
doi:10.1080/13552070127755
- Mullaly, B. (2007). Oppression: The focus of structural social work. In B. Mullaly, *The new structural social work* (3rd. ed., pp. 252-286). New York, NY: Oxford University.

- Muñoz Cabrera, P. (2010). *Intersecting violences: A review of feminist theories and debates on violence against women in Latin America*. London, England: Central American Women's Network. Retrieved from <http://www.cawn.org/assets/Intersecting%20Violences%20FINAL.pdf>
- Murphy, T. (2005). *An ethical assessment of intercountry adoption: Romania to the United States 1990-2003*. (Doctoral dissertation). Available from ProQuest Dissertations and Theses database. (UMI No. 3169310)
- Najman, J. M., Morrison, J., Keeping, J. D., Andersen M. J., & Williams, G. M. (1990). Social factors associated with the decision to relinquish a baby for adoption. *Community Health Studies*, 14(2), 180-189. doi:10.1111/j.1753-6405.1990.tb00039.x
- National Association of Social Workers [NASW]. (2004). *National Association of Social Workers 2003 annual report*. Retrieved from <http://www.socialworkers.org/images/annualReport2004/2004AnnualReport.pdf>
- National Association of Social Workers [NASW]. (2008). [Online] *Code of ethics*. Washington, DC: Author. Retrieved from <http://www.socialworkers.org/pubs/Code/code.asp>
- National Association of Social Workers [NASW]. (2009a). *National Association of Social Workers 2009 annual report*. Retrieved from [https://www.socialworkers.org/nasw/annual\\_report/AnnualReport09.pdf](https://www.socialworkers.org/nasw/annual_report/AnnualReport09.pdf)
- National Association of Social Workers [NASW]. (2009b). *Testimony of the National Association of Social Workers on the U.S. implementation of human rights treaties for the Senate Judiciary Subcommittee on Human Rights and the Law hearing*. Retrieved from [http://www.naswdc.org/practice/intl/2009/NASW%20Testimony%20for%20Dec%2016%20Hearing%20on%20Human%20Rights%20\(3\).pdf](http://www.naswdc.org/practice/intl/2009/NASW%20Testimony%20for%20Dec%2016%20Hearing%20on%20Human%20Rights%20(3).pdf)

National Center for Missing & Exploited Children. (2011). AMBER Alert report: Analysis of AMBER Alert cases in 2011. Retrieved from

[http://www.amberalert.gov/pdfs/11\\_amber\\_report.pdf](http://www.amberalert.gov/pdfs/11_amber_report.pdf)

Neria, Y., & Litz, B. T. (2004). Bereavement by traumatic means: The complex synergy of trauma and grief. *Journal of Loss & Trauma*, 9(1), 73-87.

doi:10.1080/15325020490255322

Ngabonziza, D. (2001). Moral and political issues facing relinquishing countries. *Adoption & Fostering*, 15(4), 75-80.

Nicole, B. (2000). Intercountry adoption and the Convention on the Rights of the Child: Can the free market in children be controlled? *Syracuse Journal of International Law and Commerce*, 27(2), 405-425.

Noonan, E. J. (2007). Adoption and the Guatemalan journey to American parenthood. *Childhood*, 14, 301-319. doi:10.1177/0907568207079211

O'Connor, M. K. (2001). Using qualitative research in practice evaluation. In A. R. Roberts & G. J. Greene (Eds.), *Social workers' desk reference* (pp. 775-778). New York: Oxford University.

O'Connor, M. K., & Netting, F. E. (2008). Teaching policy analysis as research: Consideration and extension of options. *Journal of Social Work Education*, 44(3), 159-172.

O'Connor, M. K., & Netting, F. E. (2010). *Analyzing social policy: Multiple perspectives for critically understanding evaluating policy*. Hoboken, NJ: Wiley.

O'Connor, M. K., Netting, F. E., & Thomas, M. L. (2008). Grounded theory: Managing the challenge for those facing Institutional Review Board oversight. *Qualitative Inquiry*, 14, 28-45. doi:10.1177/1077800407308907

- O'Connor, M. K., & Rotabi, K. S. (2012). Perspectives on child welfare: Ways of understanding roles and actions of current USA adoption agencies involved in intercountry adoptions. In J. L. Gibbons & K. S. Rotabi (Eds.), *Intercountry adoption: Policies, practices, and outcomes*. London, England: Ashgate.
- O'Connor, S. (2004). *Orphan trains: The story of Charles Loring Brace and the children he saved and failed*. Chicago, IL: University of Chicago Press.
- Office of the United Nations High Commissioner for Human Rights. (2000). *Optional protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography* (A/RES/54/263). Retrieved from website:  
<http://www2.ohchr.org/english/law/crc-sale.htm>
- Oficina de Derechos Humanos del Arzobispado de Guatemala [Archdiocese of Guatemala, Human Rights Office]. (2008). *Situación de la niñez y adolescencia en Guatemala [Situation of children and adolescents in Guatemala]*. Guatemala City, Guatemala: Author.
- O'Halloran, K. (2006). Intercountry adoption. In K. O'Halloran (Ed.), *The politics of adoption* (pp. 263-289). Amsterdam, Netherlands: Springer.
- O'Keeffe, K. (2007). The Intercountry Adoption Act of 2000: The United States' ratification of the Hague Convention on the Protection of Children, and its meager effect on international adoption. *Vanderbilt Journal of Transnational Law*, 40(5), 1611-1642.
- Oreskovic, J., & Maskew, T. (2009). Red thread or slender reed: Deconstructing Prof. Bartholet's mythology of international adoption. *Buffalo Human Rights Law Review*, 14, 71-128.

- Padgett, D. K. (1998). Rigor and relevance in qualitative research. In D. K. Padgett, *Qualitative methods in social work research: Challenges and rewards* (pp. 88-103). Thousand Oaks, CA: Sage.
- Palattiyil, P., Blyth, E., Sidhva, D., & Balakrishnan, G. (2010). Globalization and cross-border reproductive services: Ethical implications of surrogacy in India for social work. *International Social Work*, 53(5), 686-700. doi:10.1177/0020872810372157
- Parker, G. (1986). Relinquishing mothers. *Medical Journal of Australia*, 144(3), 113.
- Parks, J. A. (2010). Care ethics and the global practice of commercial surrogacy. *Bioethics*, 24(7), 333-340. doi:10.1111/j.1467-8519.2010.01831.x
- Payne, M. (2005). *Modern social work theory* (3rd. ed). Chicago, IL: Lyceum.
- Pecora, P., Wittaker, J., Maluccio, A., Barth, R., & Plotnick, R. (2000). *The child welfare challenge—Policy, practice and research*. New York, NY: Aldine de Gruyter.
- Peräkylä, A. (2005). Analyzing talk and text. In N. K. Denzin & Y. S. Lincoln (Eds.), *Sage handbook of qualitative research* (3rd. ed., pp. 869-886). Thousand Oaks, CA: Sage.
- Piaget, J. (1971). *Psychology and epistemology—Towards a theory of knowledge*. Kingsport, TN: Kingsport Press.
- Pilotti, F. J. (1986). Intercountry adoption: A view from Latin America. In R. A. C. Hoksbergen (Ed.), *Adoption in worldwide perspective: A review of programs, policies and legislation in 14 countries* (pp. 143-150). Lisse, Germany: Swets & Zeitlinger.
- Pilotti, F. J. (1993). Intercountry adoption: Trends, issues and policy implications for the 1990s. *Childhood*, 1, 165-177. doi:10.1177/090756829300100305



Powell, K. A., & Afifi, T. D. (2005). Uncertainty management and adoptees' ambiguous loss of their birth parents. *Journal of Social & Personal Relationships*, 22(1), 129-151.

doi:10.1177/0265407505049325

Presidential Secretariat for Peace. (2009). Las adopciones y los derechos humanos de la niñez guatemalteca 1977-1989 [Adoptions and human rights of Guatemalan children 1977-1989]. Retrieved from [http://sobrevivientes.org/docs/T-informe-adopciones\\_cpaz.pdf](http://sobrevivientes.org/docs/T-informe-adopciones_cpaz.pdf)

Price, K. (2005). Best interest of a child: An introduction of intercountry adoptions. *Social Work & Christianity*, 32(3), 248-262.

Qadeer, I. (2010). Benefits and threats of international trade in health: A case of surrogacy in India. *Global Social Policy*, 10 (3), 303-305. doi:10.1177/14680181100100030206

Quevedo Ruano, A. M. (1998). *Análisis jurídico de la necesidad de legislar la adopción prenatal en Guatemala* [Judicial analysis about the need to legislate prenatal adoption in Guatemala]. (Bachelor of law thesis). Available from the thesis database of the Universidad de San Carlos de Guatemala [University of San Carlos of Guatemala]. (Thesis No. 04T (3504)).

Radan, A. (2007). Exposure to violence and expressions of resilience in Central American women survivors of war. *Journal Of Aggression, Maltreatment & Trauma*, 14(1/2), 147-164.

Rankin, C. A. (2006). Romania's new child protection legislations: Change in intercountry adoption law results in a human rights violation. *Syracuse Journal of International Law and Commerce*, 34(1), 259-286.

- Rasor, K., Rothblatt, R. M., Russo, E. A., & Turner, J. A. (2010). Imperfect remedies: The arsenal of criminal statutes available to prosecute international adoption fraud in the United States. *New York Law School Law Review*, 55(3), 801-822.
- Recuperación de la Memoria Histórica [REMHI] [Recovery of the Historical Memory]. (1999). *Guatemala never again!* Maryknoll, NY: Orbis.
- Reichert, E. (2003). *Social work and human rights: A foundation for policy and practice*. New York, NY: Columbia University.
- Richardson, L., & St. Pierre, E. A. (2005). Writing. In N. K. Denzin & Y. S. Lincoln (Eds.), *Sage handbook of qualitative research* (3rd. ed., pp. 959-978). Thousand Oaks, CA: Sage.
- Rios-Kohn, R. (1998). Intercountry adoption: An international perspective on the practice and standards. *Adoptions Quarterly*, 1(4), 3-32.
- Ritzer, G. (2008). *Modern sociological theory* (7th. ed.). Boston, MA: McGraw-Hill.
- Rivera Meza, C. L. (2010). *Análisis crítico de la aplicación del sistema de justicia Guatemalteco en casos de trata de personas menores de edad durante los años 2004 a 2007 [Critical analysis of the application of the Guatemalan justice system regarding cases of human trafficking during 2004-2007]*. Guatemala City, Guatemala: Universidad de San Carlos de Guatemala.
- Roberson, K. C. (2006). Attachment and caregiving behavioral systems in intercountry adoption: A literature review. *Children and Youth Services Review*, 28, 727-740.  
doi:10.1016/j.childyouth.2005.07.008
- Robins, S. (2010). Ambiguous loss in a non-Western context: Families of the disappeared in postconflict Nepal. *Family Relations*, 59(3), 253-268. doi:10.1111/j.1741-3729.2010.00600.x

- Roby, J. L. (2005). Women and children in the global sex trade: Toward more effective policy. *International Social Work* 48(2), 136-147. doi:10.1177/0020872805050206
- Roby, J. L. (2007). From rhetoric to best practice: Children's rights in intercountry adoption. *Children's Legal Rights Journal*, 27(3), 48-71.
- Roby, J. L., & Ife, J. (2009). Human rights, politics and intercountry adoption: An examination of two sending countries. *International Social Work*, 52(5), 661-671.  
doi:10.1177/0020872809337680
- Roby, J. L., & Matsumura, S. (2002). If I give you my child, aren't we family? A study of birthmothers participating in Marshall Islands-U.S. adoptions. *Adoption Quarterly*, 5(4), 7-31. doi:10.1300/J145v05n04\_02
- Roby, J. L., Rotabi, K. S., & Bunkers, K. M. (in press). A matter of urgency: The role and responsibility of the U.S. social work community in the intercountry adoption arena. *Social Work*.
- Roby, J. L., & Shaw, S. A. (2006). The African orphan crisis and international adoption. *Social Work*, 51(3), 199-210.
- Rodwell, M. K. (1998). *Social work constructivist research*. New York, NY: Garlands.
- Rohr, E. (2009). Farewell to a dead horse: Group analytic supervision training in post-war Guatemala. *Group Analysis*, 42, 107-119. doi:10.1177/0533316409104360
- Root, V. S. (2007). Angelina and Madonna: Why all the fuss? An exploration of the rights of the child and intercountry adoption within African nations. *Chicago Journal of International Law*, 8(1), 323-354. doi:1317594551
- Rotabi, K. S. (2007). Ecological theory origin from natural to social science or vice versa? A brief conceptual history for social work. *Advances in Social Work*, 8(1), 113-129.

Rotabi, K. S. (2008). Intercountry adoption baby boom prompts new U.S. standards.

*Immigration Law Today*, 27(1), 12-19. Retrieved from [www.HagueEvaluation.com](http://www.HagueEvaluation.com)

Rotabi, K. S. (2009, August). Guatemala City: Hunger protests amid allegations of child kidnapping and adoption fraud. *Social Work and Society News Magazine*. Retrieved from <http://www.socmag.net/?p=540>

Rotabi, K. S. (2011). Intercountry adoption. In L. M. Healy & R. J. Link (Eds.), *Handbook of International Social Work* (pp 188-205). Oxford University.

Rotabi, K. S. (2012a). Fraud in intercountry adoption: Child sales and abduction in Vietnam, Cambodia, and Guatemala. In J. L. Gibbons & K. S. Rotabi (Eds.), *Intercountry adoption: Policies, practices, and outcomes*. London, England: Ashgate.

Rotabi, K. S. (2012b). Child adoption and war: "Disappeared" children and the social worker's post-conflict role in El Salvador and Argentina. *International Social Work*, 56(2), 1-17. doi:10.1177/0020872812454314

Rotabi, K. S. (2012c). El uso de la fuerza, el fraude y la coerción de algunas adopciones en Guatemala: Los casos graves de secuestros que cuestionan el principio del "interés superior de la niñez" [Force, fraud, and coercion in some Guatemalan adoptions: High-profile abduction cases challenge the "best interests of the child"]. *Scripta Nova*, XVI, 395(24). ISSN: 1138-9788. Retrieved from <http://www.ub.edu/geocrit/sn/sn-395/sn-395-24.htm>

Rotabi, K. S. & Bergquist, K. J. S. (2010, May/June). Vulnerable children in the aftermath of Haiti's earthquake of 2010: A call for sound policy and processes to prevent international child sales and theft. *Journal of Global Social Work Practice*, 3 (1). Retrieved from <http://www.globalsocialwork.org/vol3no1/Rotabi.html>

Rotabi, K. S., & Bunkers, K. M. (2008, November). Intercountry adoption reform based on the Hague Convention on Intercountry Adoption: An update on Guatemala in 2008. *Social Work and Society News Magazine*. Retrieved from <http://www.socmag.net/?p=435>

Rotabi, K. S., & Bunkers, K. M. (2011). *Review of social work literature on intercountry adoption in the era of reform*. Manuscript in preparation.

Rotabi, K. S., & Bromfield, N. F. (2012). *Intercountry adoption declines lead to new practices of surrogacy in Guatemala: Global human rights concerns in the context of violence and the era of advanced fertility technology*. Manuscript submitted for publication.

Rotabi, K. S., & Gibbons, J. L. (2009). Editorial. *International Social Work*, 52(5), 571-574. doi:10.1177/0020872809337675

Rotabi, K. S., & Gibbons, J. L. (2012). Does the Hague Convention on Intercountry Adoption adequately protect orphaned and vulnerable children and the families who gave birth to them? *Journal of Child and Family Studies*, 21(1), 106-119. doi:10.1007/s10826-011-9508-6

Rotabi, K. S., & Morris, A. W. (2007, July). Adoption of Guatemalan children: Impending changes under the Hague Convention for Intercountry Adoption. *Social Work and Society News Magazine*. Retrieved from <http://www.socmag.net/?p=171>

Rotabi, K. S., Morris, A. W., & Weil, M. O. (2008). International child adoption in a post-conflict society: A multi-systemic assessment of Guatemala. *Journal of Intergroup Relations*, 35(2), 9-41.

Rotabi, K. S., Pennell, J., Roby, J. L., & Bunkers, K. M. (2011). Family group conferencing as a culturally adaptable intervention: Reforming intercountry adoption in Guatemala. *International Social Work*, 55, 402-416. doi:10.1177/0020872812437229

- Ryan, A. (1983). Intercountry adoption and policy issues. *Journal of Children in Contemporary Society*, 15(3), 49.
- Sancliar, C. (2000). In the best interest of the child? In P. Selman (Ed.), *Intercountry adoption: Developments, trends and perspectives* (pp. 53-65). London, England: British Agencies for Adoption and Fostering.
- Sanford, V. (2003). *Buried secrets: Truth and human rights in Guatemala*. New York, NY: Palgrave Macmillan.
- Sanford, V. (2008). From Genocide to Femicide: Impunity and Human Rights in Twenty-First Century Guatemala. *Journal of Human Rights*, 7(2), 104-122. doi: 10.1080/14754830802070192.
- Schmit, A. (2008). The Hague Convention: The problems with accession and implementation. *Indiana Journal of Global Legal Studies*, 15(1), 375-395. doi:10.2979/GLS.2008.15.1.375
- Scholte, J. A. (2002, December). What is globalization? The definitional issue—again. *Centre for the Study of Globalisation and Regionalisation Working Paper*, 109(2). Retrieved from <http://www2.warwick.ac.uk/fac/soc/csgr/research/workingpapers/2002/wp10902.pdf>
- Scroggs, P. H., & Heitfield, H. (2001). International adopters and their children: Birth culture ties. *Gender Issues*, 19(4), 3-30. doi:10.1007/s12147-001-1005-6
- Selinske, J., Naughton, D., Flanagan, K., Fry, P., & Pickles, A. (2001). Ensuring the best interest of the child in intercountry adoption practice: Case studies from the United Kingdom and the United States. *Child Welfare*, 80(5), 656-667.

- Selman, P. (2000). The demographic history of intercountry adoption. In P. Selman (Ed.), *Intercountry adoption: Developments, trends and perspectives* (pp. 15-39). London, England: British Agencies for Adoption and Fostering.
- Selman, P. (2002). Intercountry adoption in the new millennium: The "quiet migration" revisited. *Population Research and Policy Review*, 21(3), 205.
- Selman, P. (2006). Trends in intercountry adoption: Analysis of data from 20 receiving countries, 1998-2004. *Journal of Population Research*, 42(2), 183-204.  
doi:10.1007/BF03031815
- Selman, P. (2009). The rise and fall of intercountry adoption in the 21st century. *International Social Work*, 52(5), 575-594. doi:10.1177/0020872809337681
- Selman, P. (2012). The rise and fall of intercountry adoption in the 21st century: Global trends from 2001 to 2010. In J. L. Gibbons & K. S. Rotabi (Eds.), *Intercountry adoption: Policies, practices, and outcomes*. London, England: Ashgate Press.
- Shura, R. A. (2010). *Intercountry adoption: A theoretical analysis*. (Doctoral dissertation). Available from ProQuest Dissertations and Theses database. (UMI No. 3378230)
- Silverstein, D. N., & Kaplan, S. (1988). Lifelong issues in adoption. In L. Coleman, K. Tilbor, H. Hornby, & C. Boggis (Eds.), *Working with older adoptees: A source book of innovative models* (pp. 45-53). Portland, ME: University of Southern Maine.
- Sloth-Nielsen, J., & Mezmur, B. D. (2008). 2 + 2 = 5? Exploring the domestication of the CRC in South African jurisprudence (2002-2006). *International Journal of Children's Rights*, 16(1), 1-28. doi:10.1163/092755608X267166

- Smeeton, J., & Boxall, K. (2011). Birth parents' perceptions of professional practice in child care and adoption proceedings: Implications for practice. *Child & Family Social Work, 16*(2), 1-10. doi:10.1111/j.1365-2206.2011.00759.x
- Smolin, D. M. (2005a). Intercountry adoption as child trafficking. *Valparaiso University Law Review, 39*(2), 281-325.
- Smolin, D. M. (2005b). The two faces of intercountry adoption: The significance of the Indian adoption scandals. *Seton Hall Law Review, 35*(2), 403-493.
- Smolin, D. M. (2006). Child laundering: How the intercountry adoption system legitimizes and incentivizes the practices of buying, trafficking, kidnapping, and stealing children. *Wayne Law Review, 52*, 113-200.
- Smolin, D. M. (2007). Intercountry adoption and poverty: A human rights analysis. *Capital University Law Review, 36*, 413-453. Retrieved from [http://works.bepress.com/david\\_smolin/5](http://works.bepress.com/david_smolin/5)
- Smolin, D. M. (2010). Child laundering and the Hague Convention on Intercountry Adoption: The future and past of intercountry adoption. *Louisville Law Review, 48*, 441-498.
- Stake, R. E. (2005). Qualitative case studies. In N. K. Denzin & Y. S. Lincoln (Eds.), *Sage Handbook of Qualitative Research* (3rd. ed., pp. 443-466). Thousand Oaks, CA: Sage.
- Steen, J. A., & Zeman, L.D. (2008). Introduction to a special issue on human rights in child welfare. *Journal of Intergroup Relations, 34*(1), 3-8.
- Stelzner, D. M. (2003). Intercountry adoption: Toward a regime that recognizes the "best interests" of adoptive parents. *Case Western Reserve Journal of International Law, 35*(1), 113-152.



- Stone, D. A. (1997). *Policy paradox: The art of political decision making*. New York, NY: W.W. Norton.
- Suter, A. S., & Ballard, R. L. (2009). "How much did you pay for her?": Decision-making criteria underlying adoptive parents' responses to inappropriate remarks. *Family Communication*, 9(2), 1-39. doi:10.1080/15267430902773253
- Swarns, R. L. (2013, January 14). American adoptions from abroad at their lowest level in years. *The New York Times*. Retrieved from [http://www.nytimes.com/2013/01/25/world/us-adoptions-from-abroad-decline-sharply.html?ref=todayspaper&\\_r=2&](http://www.nytimes.com/2013/01/25/world/us-adoptions-from-abroad-decline-sharply.html?ref=todayspaper&_r=2&)
- Teman, E. (2008). The social construction of surrogacy research: An anthropological critique of the psychosocial scholarship on surrogate motherhood. *Social Science & Medicine*, 67(7), 1104-1112. doi:10.1016/j.socscimed.2008.05.026
- Temple, B. (2006). Being bilingual: Issues for cross-language research. *Journal of Research Practice*, 2(1). Retrieved from <http://jrp.icaap.org/index.php/jrp/article/view/20/39>
- Tong, X. (2005). *Parents from America & children from China - A phenomenological study cross-cultural adoption*. (Doctoral dissertation). Available from ProQuest Dissertations and Theses Database. (UMI No. 3193114)
- Triseliotis, J. (2000). Intercountry adoption: Global trade or global gift? *Adoption & Fostering*, 24(2), 45-54.
- Tummala-Narra, P. (2007): Conceptualizing trauma and resilience across diverse contexts. *Journal of Aggression, Maltreatment & Trauma*, 14(1-2), 33-53.
- United Nations. (1947). *Convention for the suppression of the traffic in persons and of the exploitation of the prostitution of others*. Retrieved from <http://www2.ohchr.org/english/law/pdf/trafficpersons.pdf>

United Nations (1948a). [Online] *Universal Declaration of Human Rights*. Retrieved from  
<http://www.un.org/en/documents/udhr/>

United Nations (1948b). *Convention on the Prevention and Punishment of Genocide*. Retrieved  
 from <http://www.hrweb.org/legal/genocide.html>

United Nations. (1967). *Declaration on the Elimination of Discrimination against Women*.  
 Retrieved from  
[http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.RES.48.104.En](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.48.104.En)

United Nations (1979). *Convention on the Elimination of All Forms of Discrimination against  
 Women*. Retrieved from <http://www.un.org/womenwatch/daw/cedaw/>

United Nations. (1986). *Declaration on Social and Legal Principles Relating to the Protection  
 and Welfare of Children*. Retrieved from  
<http://www.un.org/documents/ga/res/41/a41r085.htm>

United Nations. (1989). *Convention on the Rights of the Child*. Retrieved from  
<http://www2.ohchr.org/english/law/pdf/crc.pdf>

United Nations. (2000a). *Convention against Transnational Organized Crime*. Retrieved from  
<http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>

United Nations. (2000b). *Protocol to Prevent, Suppress and Punish Trafficking in Persons,  
 Especially Women and Children*. Retrieved from  
[http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/convention\\_%20traff\\_eng.pdf](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf)

United Nations. (2000c). *Rights of the Child—Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Ms Ofelia Calcetas- Santos*.

Retrieved from <http://poundpuplegacy.org/node/30853>

United Nations. (2000d). Optional protocol on the sale of children, child prostitution and child pornography. Retrieved from the United Nations Children’s Fund [UNICEF] from [http://www.unicef.org/crc/index\\_30204.html](http://www.unicef.org/crc/index_30204.html)

United Nations. (2006). *Convention on the Rights of Persons with Disabilities*. Retrieved from <http://www.un.org/disabilities/default.asp?navid=14&pid=150>

United Nations. (2009). *Child adoption: Trends and policies*. Retrieved from [http://www.un.org/esa/population/publications/adoption2010/child\\_adoption.pdf](http://www.un.org/esa/population/publications/adoption2010/child_adoption.pdf)

United Nations. (2010). *Guidelines for the alternative care of children*. Retrieved from <http://www.crin.org/docs/Guidelines-English.pdf>

United Nations Children’s Fund [UNICEF]. (2008a). *Progress for children: A report card on child protection*. New York, NY: Author. Retrieved from [http://www.unicef.org/videoaudio/PDFs/Progress\\_for\\_Children-No.8\\_EN\\_081309\(1\).pdf](http://www.unicef.org/videoaudio/PDFs/Progress_for_Children-No.8_EN_081309(1).pdf)

United Nations Children’s Fund [UNICEF]. (2008b). *UNICEF child protection meta-evaluation*. New York, NY: Author. Retrieved from <http://www.unicef.org/protection/index.html>

United Nations Children’s Fund [UNICEF]. (2009a). *Global thematic report 2009: Child protection from violence, exploitation and abuse*. New York, NY: Author. Retrieved from [http://www.unicef.org/protection/files/2009\\_Global\\_Thematic\\_Report\\_FINAL.pdf](http://www.unicef.org/protection/files/2009_Global_Thematic_Report_FINAL.pdf)

United Nations Children’s Fund [UNICEF]. (2009b). *El sistema de la protección de la niñez en Guatemala [The child protection system in Guatemala]*. Guatemala City, Guatemala: UNICEF-Guatemala.

- Ungar, M. (2008). Families as navigators and negotiators: Facilitating culturally and contextually specific expressions of resilience. *Family process*, 49(3). Online ISSN: 1545-5300.
- U.S. Agency for International Development [USAID]. (1975). *Operation Babylift report, 1975*. Retrieved from the website of The Adoption History Project:  
<http://darkwing.uoregon.edu/~adoption/archive/AIDOB.R.htm>
- U.S. Census Bureau. (2011). *International Data Base – 2007 – China, Russia and Guatemala*. Retrieved from <http://www.census.gov/ipc/www/idb/worldpopinfo.php>
- U.S. Department of Justice. (1964). Title IV of the 1964 Civil Rights Act. Retrieved from  
<http://www.justice.gov/crt/about/cor/coord/titlevistat.php>
- U.S. Department of Justice. (2010). Department of Justice observes anniversary of AMBER Alert program. Retrieved from  
<http://www.ojp.usdoj.gov/newsroom/pressreleases/2010/OJJDP10039.htm>
- U.S. Department of Justice. (2013). [Online]. AMBER Alert—America's missing: Broadcast emergency response. Retrieved from <http://www.amberalert.gov/>
- U.S. Department of State. (2008). [Online] *Summary of irregularities in adoptions in Vietnam*. Retrieved from [http://vietnam.usembassy.gov/irreg\\_adoptions042508.html](http://vietnam.usembassy.gov/irreg_adoptions042508.html)
- U.S. Department of State. (2011a). [Online] *Intercountry adoption: Statistics*. Retrieved from  
[http://adoption.state.gov/about\\_us/statistics.php](http://adoption.state.gov/about_us/statistics.php)
- U.S. Department of State. (2011b). [Online] *Notice: Office of Children's Issues trip to Guatemala*. Retrieved from  
[http://adoption.state.gov/country\\_information/country\\_specific\\_alerts\\_notices.php?alert\\_notice\\_type=notices&alert\\_notice\\_file=guatemala\\_3](http://adoption.state.gov/country_information/country_specific_alerts_notices.php?alert_notice_type=notices&alert_notice_file=guatemala_3)

U.S. Department of State. (2011c). [Online] *Adoption service provider search*. Retrieved from [http://adoption.state.gov/hague\\_convention/agency\\_accreditation/agency\\_search.php](http://adoption.state.gov/hague_convention/agency_accreditation/agency_search.php)

U.S. Department of State. (2011d). Notice: Guatemala June 2011 Listserv Update. Retrieved from [http://adoption.state.gov/country\\_information/country\\_specific\\_alerts\\_notices.php?alert\\_notice\\_type=notices&alert\\_notice\\_file=guatemala\\_5](http://adoption.state.gov/country_information/country_specific_alerts_notices.php?alert_notice_type=notices&alert_notice_file=guatemala_5)

U.S. Department of State. (2013). The Universal Accreditation Act of 2012 becomes law. Retrieved from <http://www.gpo.gov/fdsys/pkg/BILLS-112s3331enr/pdf/BILLS-112s3331enr.pdf>

U.S. Department of State (n.d.). The epidemic of parental child snatching: An overview – Attempts to prevent parental child abduction, applicable United States laws, and the Hague Convention, prepared by Hon. William Rigler and Howard L. Wiederr. Retrieved from [http://travel.state.gov/abduction/resources/resources\\_545.html](http://travel.state.gov/abduction/resources/resources_545.html)

Vanthuyne, K. (2008). Becoming Maya? The politics and pragmatics of “being indigenous” in postgenocide Guatemala. *Political and Legal Anthropology Review*, 32(2), 195–217. doi:10.1111/j.1555-2934.2009.01041.x

Vonk, M. E., Simms, P. J., & Nackerud, L. (1999). Political and personal aspects of intercountry adoption of Chinese children in the United States. *Families in Society*, 80(5), 496-505.

Vygotsky, L. S. (1978). *Mind in society—The development of higher psychological processes*. Cambridge MA: Harvard University.

Walsh, F. (2006). *Strengthening family resilience*. New York, NY: The Guildford Press.

Wayment, H. A., & Vierthaler, J. (2002). Attachment style and bereavement reactions. *Journal of Loss & Trauma*, 7(2), 129-149. doi:10.1080/153250202753472291

Weinreb, M., & Konstam, V. (1995). Birthmothers: Silent relationships. *Affilia*, 10(3), 315-327.

doi:10.1177/088610999501000307

Welsh, J. A., Viana, A. G., Petrill, S. A., & Mathias, M. D. (2007). Interventions for internationally adopted children and families: A review of the literature. *Child and Adolescent Social Work Journal*, 24(3), 285-311. doi:10.1007/s10560-007-0085-x

Wiley, M. O., & Baden, A. L. (2005). Birth parents in adoption: Research, practice, and counseling psychology. *Counseling Psychologist*, 33(1), 13-50.

doi:10.1177/0011000004265961

Wilson, S. L., & Gibbons, J. L. (2005). Guatemalan perceptions of adoption. *International Social Work*, 48, 742-752. doi:10.1177/0020872805056992

Wulczyn, F., Daro, D., Fluke, J., Feldman, S., Glodek, C., & Lifanda, K. (2010). *Adapting a systems approach to child protection: Key concepts and considerations*. New York, NY: UNICEF. Retrieved from

[http://www.unicef.org/protection/files/Adapting\\_Systems\\_Child\\_Protection\\_Jan\\_2010.pdf](http://www.unicef.org/protection/files/Adapting_Systems_Child_Protection_Jan_2010.pdf)

Yemm, L. M. (2010). International adoption and the “best interest” of the child: Reality and reactionism in Romania and Guatemala. *Washington University Global Studies Law Review*, 9, 555-574.

Zhang, Y., & Lee, G. R. (2010). Intercountry versus transracial adoption: Analysis of adoptive parents’ motivations and preferences in adoption. *Journal of Family Issues*, 32(1), 75-98.

Zimmer, Z. & Dayton, J. (2005). Older adults in Sub-Saharan Africa living with children and grandchildren. *Population Studies*, 59(3), 295-312. doi:10.1080/00324720500212255

## Appendix A

### Interview questions – IRB approved

#### Research question

The research question is two-fold: *What is the lived experience of Guatemalan mothers who reported that their children were abducted for intercountry adoption? What is the meaning of child abduction for intercountry adoption in the context of regulations in Guatemala?*

1. **Question about personal experience:** Tell me, what happened and how it made you feel?

Probes: How does this situation affect you personally? Your family? Your community?

When did you make the decision to report what happened? How did you report this situation and to whom?

2. **Question about public and private services received:** What has been your experience with the institutions that helped you and how could those services be improved?

Probes: To whom did you turn? When? How?

3. **Question about the national and international policy relevant to the case:** When you went through your ordeal, did you have knowledge of the laws or protective institutions regarding adoption in Guatemala? How could child abduction be avoided or prevented?

## Apéndice A

### Preguntas para las entrevistas – Aprobadas por IRB

#### Pregunta de investigación

La pregunta del estudio tiene dos partes: *Cuál es la experiencia de las madres guatemaltecas quienes reportan que sus hijas o hijos fueron robadas para ser adoptados internacionalmente? ¿Qué significado tiene el robo de niños y niñas en el contexto de las regulaciones en Guatemala?*

1. **Pregunta sobre la experiencia personal:** ¿Dígame que fue lo que pasó y como la hizo sentir?

Preguntas de sondeo: ¿Cómo esta situación le afecta personalmente? A su familia? A su comunidad? ¿Cuándo tomo la decisión de denunciar lo que pasó? ¿Cómo realizó la denuncia de esta situación y a quien?

2. **Pregunta sobre los servicios públicos y privados recibidos:** ¿Cuál es su experiencia con las instituciones que le ayudaron y cómo se podrían mejorarse estos servicios?

Preguntas de sondeo: ¿A quienes recurrió? ¿Cuándo? ¿Cómo?

3. **Pregunta sobre la política nacional e internacional relevantes al caso:** ¿Cuando vivió esta experiencia tenía usted conocimiento sobre leyes o instancias de protección? ¿Cómo cree que se puede evitar o prevenir el robo de niños y niñas en Guatemala?



## Appendix B

### Glossary of terms defined in literature

**Abandonment:** “Refers to the act of leaving a child with the intention of forsaking one’s parental rights, with no intention of return. Abandonment may be particularly common in countries with no formal relinquishment mechanisms, countries that lack services for families in crisis, and countries that do not have or do not enforce measures to combat child trafficking” (HCCH, 2008b, p. 60).

**Accredited body:** “An adoption agency which has been through a process of accreditation in accordance with Articles 10 and 11 [of the Hague Convention on Intercountry Adoption]; which meets any additional criteria for accreditation which are imposed by the accrediting country; and which performs certain functions of the Convention in the place of, or in conjunction with, the Central Authority” (HCCH, 2008b, p. 9).

**Adaptive Capacity:** “Is the property of a social system to adjust its characteristics of behavior, in order to expand its coping range under existing or future conditions” (Carpenter, 2008).

**“Additive” [feminist] model:** “Approaches sources of violence as an accumulation of oppressions (poverty + gender discrimination, poverty + racial/ethnic discrimination, etc.)” (Muñoz Cabrera, 2010, p. 11).

**Ambiguous loss:** “When a loss is complicated by ambiguity, the grief process is frozen. . . In the world of unresolved grief, there is a unique kind of loss that complicates grief, confuses relationships, and prevents closure. I call it *ambiguous loss*. It lies at the root of much depression, anxiety, and family conflict. . . Ambiguous loss is unclear loss. . . [it is] a traumatic loss,. . . a relational disorder,. . . [it] is externally caused (e.g., illness, war), not by individual pathology,. . .

[and] is an uncanny loss—confusing and incomprehensible (Boss, 2010, p. 138).” “There are two types of ambiguous loss. The first is physical absence with psychological presence. A loved one is missing physically—lost, kidnapped, disappeared, but kept present psychologically because they might reappear. . . . The second type of ambiguous loss—the focus of this paper—is physical presence with psychological absence. A loved one is physically present, but missing psychologically” (Boss, 2010, pp. 138-140).

**Approved (non-accredited) person:** “The person (or body) who (or which) has been appointed in accordance with Article 22(2) [of the Convention] to perform certain Central Authority functions. The person or body is not accredited in the sense of Articles, 10, 11 and 12 but must meet the minimum standards required by Article 22(2)” (HCCH, 2008b, p. 9).

**Attachment:** “Between children and their adoptive parents is one of the major concerns in the adoption field. Sustainable and significant relationships with one or more adults, preferably the biological parents, who, on their part have the capacity to love and protect their children in responsible ways, are generally perceived as conditions for a child to develop into a healthy person. Children’s capacities to develop significant attachment with others. . . . are considered to be a key factor in their social, moral and emotional development” (Bos, 2007, p. 34).

**Best Interests of the Child:** “The term is not defined in the Convention because the requirements necessary to meet the best interest of the child may in each individual case, and the factor to be considered should not, in principle, be limited. However, a number of essential factors are referred to in the Convention and must be included in any consideration of what is in the best interests of a child who is the subject of an intercountry adoption. These factors, taken from the Convention, include, but are not limited to: efforts to maintain and reintegrate the child in his/her birth family; a consideration of national solutions first (implementing the principle of

subsidiarity); ensuring the child is adoptable, in particular, by establishing that necessary consents were obtained; preserving information about the child and his/her parents; evaluating thoroughly the prospective adoptive parents; matching the child with a suitable family; imposing additional safeguards where necessary to meet local conditions; providing professional services” (HCCH, 2008b, p. 9).

**“Casa de engorde”:** “Place where pregnant women are lodged during their pregnancy. The women have all their maintenance costs covered and are paid for relinquishing their children” (HCCH, 2007b, p. 7).

**Central Authority:** “The office or body designed by a Contracting State in accordance with Article 6 [of the Convention], to perform mandatory functions in Articles 7, 8, and 33 of the Convention. The Central Authority must also perform the mandatory functions in Articles 9, and 14-21 [of the Convention]; unless another body (a public body or accredited body) is authorized to perform those functions” (HCCH, 2008b, p. 9).

**Child laundering:** “Occurs when children are taken illegally from birth families through child buying or kidnapping, and then ‘laundered’ through the adoption system as ‘orphans’ and then ‘adoptees’” (Smolin, 2006; p. 112).

**“Comadrona”:** “[A] person who helps pregnant women deliver their babies out of hospital. It is said that half of the births in Guatemala are assisted by *comadronas*. *Comadronas* are also known for assisting pregnant women who wish to abort” (HCCH, 2007b, p. 7).

**Cooperation across countries:** “The [Hague] Convention cannot function properly without the fullest co-operation among Central Authorities in the different Contracting States. The responsibility to engage in cooperation falls directly on Central Authorities, as does the obligation to eliminate obstacles to the application of the Convention. These obligations cannot

be delegated to accredited bodies or other authorities. The Permanent Bureau can also be approached for assistance by States which are seeking to improve co-operation with other States, or seeking to remove obstacles to co-operation” (HCCH, 2008b, p. 34-35).

**Competent authority:** “A competent authority may be any authority appointed by a Contracting State to perform a function attributed in the Convention to this type of authority. For some functions, the competent authority must be a public authority” (HCCH, 2008b, p. 9).

**“Cuidadora”:** “[A] person who receives a child for care (usually babies and not more than two at a time). They are paid on a monthly basis for their services by the notary who is to certify the adoption. Children usually stay several months with the *cuidadora*, in some cases more than a year” (HCCH, 2007b, p. 7).

**Determination of adoptability:** “One of the most important measures to protect the child’s best interests in adoption and at the same time to combat abduction of, sale of and trafficking in children is to ensure that a child to be adopted is genuinely adoptable” (HCCH, 2008b, p. 24).

[This includes the following:]

- “(1) the persons, institutions and authorities whose consent is necessary for adoption, have been counseled as may be necessary and duly informed of the effects of their consent, in particular whether or not an adoption will result in the termination of the legal relationship between the child and his or her family of origin,
- (2) such persons, institutions and authorities have given their consent freely, in the required legal form, and expressed or evidenced in writing,
- (3) the consents have not been induced by payment or compensation of any kind and have not been withdrawn, and

(4) the consent of the mother, where required, has been given only after the birth of the child” (HCCH, 1993a, p. 2).

**Ethnic identity:** “[Is] influenced by both external and internal factors. External forces include those social structures that serve to define ethnic boundaries, frequently for political or economic purposes. . . However, such external forces form only part of the complex system of ethnic identity formation. The meaning of ethnicity is [also] internalized, and as such, is a highly individualized process” (Bailey, 2006, p. 3).

**Femicide:** “Femicide is not simply the murder of females but rather the killing of females by males because they are female. It is a form of terrorism that functions to define gender lines, enact and bolster male dominance, and to render women chronically and profoundly unsafe” (GHRC-USA, 2008).

**Feminicide:** “Feminicide is a political term. It encompasses more than femicide because it holds responsible not only the male perpetrators but also the state and judicial structures that normalize misogyny. Feminicide connotes not only the murder of women by men because they are women but also indicates state responsibility for these murders whether through the commission of the actual killing, toleration of the perpetrators’ acts of violence, or omission of state responsibility to ensure the safety of its female citizens” (GHRC-USA, 2008).

**Feminisation of poverty:** “Women’s experiences of poverty differing from those of men and the different ways diverse women experience poverty; systems and processes that force women into poverty (e.g. conflict, macro-economic processes, migration)” (Central American Women’s Network, 2010, Introduction, Key Concepts).

**Feminism:** “The belief that women should be allowed the same rights, power and opportunities as men and be treated in the same way, and the political process intended to achieve this state” (Central American Women’s Network, 2010, Introduction, Key Concepts).

**Gender:** “The social condition/construction and identity of being a male or female.

Transgender/transsexual refers to a person, especially a man, who feels they should be the other sex, and therefore behaves and dresses like a member of that sex. In Latin America transgender/transsexual identity is often considered to be a ‘third’ gender” (Central American Women’s Network, 2010, Introduction, Key Concepts).

**Globalization:** Although the term ‘global’ was used in the 19th century, it was not until 1961 that the word ‘globalization’ was included in the Webster’s Dictionary. Conceptually, the term globalization has implied (1) internationalization of ideas, commodities, money and investments and people across borders; (2) liberalization of resources without restriction of movements between and among nations; (3) universalization of objects and experiences or the homogenization of cultural, economic, legal and political values and frameworks; and (4) westernization or the spreading of ideologies from the Western society and destruction of pre-existing cultures and local self-determination (Scholte, 2002). Yet, globalization is much more than that; it is “a respatialization of social life [that] opens up new knowledge and engages key policy challenges of current history in a constructively critical manner [where] Notions of ‘globality’ and ‘globalization’ can capture, as no other vocabulary, the present ongoing large-scale growth of transplanetary – and often also supraterritorial – connectivity” (Scholte, 2002, p. 33).

**Grief:** “The process of grieving has been divided by psychologists into successive phases of denial, anger, depression, and acceptance. In the first phase, people try to deny or reject the facts,

trying to protect themselves from the truth of their loss. In the second they protest the loss, expressing rage, frustration, and sometimes even violence. This anger finally gives way to a quieter form of sadness or despair. Finally, resolution occurs when a degree of detachment from the lost object is achieved, the sadness eases, and the loss is finally accepted. Only after acceptance, according to experts, can new attachments can successfully be formed, and new attachments be formed” (Jones, 1993, pp. 78-79).

**Illegal adoption:** “Means an adoption resulting from ‘abuses, such as abduction, the sale of, traffic in, and other illegal or illicit activities against children’. One of the main objects pursued by the Convention is to prevent such abuses” (HCCH, 2008b, p. 9).

**Independent adoption:** “Is used to refer to those cases where the prospective parents are approved as eligible and suited to adopt by their Central Authority or accredited body. They then travel independently to a country of origin to find a child to adopt, without the assistance of a Central Authority or accredited body in the State of origin. Independent adoptions, as defined, do not constitute good practice. They do not satisfy the Convention’s requirements and should not be certified by Article 23 as a Convention adoption. A private adoption (see below) could never be certified by Article 23 [of the Convention]. In practice, sometimes no distinction is made between the terms ‘independent adoption’ and ‘private adoption’ and this may cause confusion” (HCCH, 2008b, p.10)

**Intercountry adoption:** “Also called ‘international adoption’, is the practice by which adult citizens of one Nation adopt a minor child who is a citizen of a different Nation” (Bartner Graff, 2000, p. 405).

**Institutionalized children:** “Abandoned children are more likely to spend additional time in institutions waiting for investigations to be conducted and are unlikely to be reintegrated into

their families. In addition, such children are usually deprived of the right to information about their identities, families, and social and medical information” (HCCH, 2008b, p. 60).

**Impunity:** “Investigation and punishment of those involved, in and outside State structures, and the dismantling of the structures to which they belong or with which they interact. . . impunity is persistent in the area of irregular adoptions, while the networks that existed prior to the legislative changes [e.g., new adoption law] have barely been affected by the disciplinary response. On the other hand, there is strong evidence that changes in regulations are leading networks to change their methods but have not affected their existence, which is motivated mainly by powerful financial incentives” (CICIG, 2010, p. 11).

**Intersectionality:** “Different dimensions of social exclusion and discrimination that intersect. These dimensions are structural and political:

Structural: Multiple discrimination, i.e. race, ethnicity, age, ability, gender, sexual orientation, or class that exacerbate women’s vulnerability and place them at increased risk of violence.

Political: Points of intersection, positioning and conflicting political agendas, e.g. in some contexts women may prioritise the political interests of their marginalised community rather than their interests as women” (Central American Women’s Network, 2010, Introduction, Key Concepts).

**“Jaladora”:** “[A] person who traces pregnant women or women with small or very young children to convince them to relinquish their children for money (could be; physician, social worker, nurse, teacher, community member, etc.)” (HCCH, 2007b, p. 7).

**Loss:** “Is inherent to adoption: loss of biological family, status, ethnic, racial and genealogical connections, and loss of identity. These losses result in specific emotions during different stages



throughout life. The capacity to cope with these aspects, and the ways of doing so, depend on individual, interpersonal and environmental factors” (Bos, 2007, p. 34).

***Machista violence against women:*** “The ideology of machismo (male supremacy) leads men to believe that they have a right to abuse women and that this is ‘natural’ male behaviour.

Machismo also leads to men repressing their own emotions and sensitivity” (Central American Women’s Network, 2010, Introduction, Key Concepts).

***Matching:*** The term does not appear in the text of the Convention [but] a full explanation of the process of matching is given [in the Guide of the Convention] (HCCH, 2008b, p. 76).

***Masculinities:*** “The characteristics that are considered to be typical of (or suitable for) men in different cultures and contexts” (Central American Women’s Network, 2010, Introduction, Key Concepts).

***Non-discrimination:*** “Article 2 of the same Convention is a general non-discrimination provision, and requires Contracting States to protect the rights of any child in their jurisdiction, without discrimination and irrespective of (inter alia) birth or other status. Therefore, children who are the subjects of national or intercountry adoption should enjoy the same rights and protections as any other child. . . Non-discrimination of any kind [should be], irrespective of the child’s or his parents’ or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status” (HCCH, 2008b, p. 23).

***Oppression:*** “A mode of human relations involving domination and exploitation—economic, social, and psychologic—between individuals; between social groups and classes within and beyond societies; and globally, between entire societies” (Gil, 1998, p. 10).

**Orphanhood:** “Is a generic categorization used mainly to describe a parental status, as well as the socio-economic conditions of children who have lost one or both parents due to various causes. Although these causes are far too numerous to list, it is generally (and simply) possible to classify orphan children into ‘AIDS orphans’ and ‘non-AIDS orphans’. The latter consist of children who have been orphaned due to famine, malaria, war, etc.” (Abebe, 2009, p. 71). “The etiology of orphanhood can be understood in terms of historical and contemporary global relations” (Bailey, 2009b, p. 10).

**Patriarchy:** “A society controlled by men in which they use their power to their own advantage. Source: Central America Women’s Network” (Central American Women’s Network, 2010, Introduction, Key Concepts).

**Placement:** “Refers to the stage after the ‘matching’ and before the ‘entrustment’ (the physical hand over) of a particular child with a particular adoptive family. It may also refer to the stage between ‘entrustment’ and the final adoption decision. The Central Authority of the State of origin, using all of the available information including the report on the child and the report on the prospective parents, shall determine whether the ‘envisaged placement’ is in the best interests of the child in accordance with Article 16(1) d [of the Convention]. The adoptive family and the Central Authority of the Receiving State must have the opportunity to consider the report on the child before they accept the proposed placement” (HCCH, 2008b, p. 10).

**Policy agenda:** “Is a collection of problems, understandings of causes, *symbols* [something that stands for something else, usually for a broader concept], solutions and other elements of public problems that come to the attention of members of the public or government officials. An agenda can be as concrete as a list of bills that are before a legislature, but also includes a series of beliefs about the existence or magnitude of problems and how they should be addressed by

government, by the private sector, by nonprofit organizations, or through joint action by some or all of these institutions” (Birkland, 2005, p. 110).

**Policy enactment:** “Is the act of putting a decision, such as a legislation or a regulation, into effect. . . Furthest from enactment are issues or ideas contained in the *systematic agenda*, in which it is contained any idea that could possibly be considered by participants in the policy process. . . provided that the idea does not fall outside well-established social, political, ideological and legal norms” (Birkland, 2005, p. 110).

**Policy implementation:** “The process by which policies enacted by government are put into effect by the relevant agencies. . . Evidence of social policy learning involves learning the causes of the problems and the effectiveness of policy interventions [or implementation] based on those problems [including policy failures]” (Birkland, 2005, pp. 181, 193).

**Policy indicators:** “Evidence of a problem, often based on statistics. . . People can and to argue about what indicators mean [but] numbers by themselves do not have an influence over which issues get greater attention and which fall by the wayside. Rather the changes in indicators need to be published by interest groups, government agencies, and policy entrepreneurs, who use these numbers to advance their preferred policy ideas” (Birkland, 2005, p. 117).

**Proper consent:** “The requirement to obtain proper consents to the adoption is a key feature of the Convention in the fight against the abduction, sale and traffic in children. This means:

- obtaining consents from the legal custodian or guardian of the child (the person, institution or authority. . . ;
- ensuring that the person giving the consent understands the effect or consequences of their decision;

- ensuring the consents were given freely, and not induced or improperly obtained by financial or other reward;
- ensuring that a new birth mother does not give her consent until some time after the birth of her child;
- ensuring the consent of the child is obtained, when necessary” (HCCH, 2008b, p. 27).

**Private adoption:** “Refers to one where arrangements for adoption have been made directly between a biological parent and one Contracting State and prospective adopters in another contracting State. Private adoptions arranged directly between birth parents and adoptive parents come within the scope of the Convention if the conditions set out in Article 2 [of the Convention] are present (inter alia, the child has been, is or will be moved from the State of origin to the receiving State), but such adoptions are not compatible with the Convention” (HCCH, 2008b, p. 10).

**Principle of subsidiarity:** “Is central to the success of the Convention. It implies that efforts should be made to assist families in remaining intact or in being reunited, or to ensure that a child has the opportunity to be adopted or cared for nationally. It implies also that intercountry adoption procedures should be set within an integrated child protection and care system, which maintains these priorities. However, States should also ensure that efforts to achieve this goal do not unintentionally harm children by delaying unduly a permanent solution through intercountry adoption. States should guarantee permanency planning in the shortest possible time for each child deprived of his / her parents. Policies should work to promote family preservation and national solutions, rather than to hinder intercountry adoption” (HCCH, 2008b, p. 22).

**Private foster home:** “Foster home run by a NGO or private person. These homes are neither registered nor supervised by any authority. Many are hidden. Some receive children from CHA

[Children and Adolescents] Courts; other receive children directly from biological parents and/or *jaladoras*” (HCCH, 2007b, p. 7).

**Relinquishment:** “More emphasis on the fact that a mother hands her child over into the care of others because she does not feel in the position to take care of her child. The word *surrendering* has a more legal connotation and is used when the relinquishment includes or emphasizes the intention to get the child adopted” (Bos, 2007, p. 23).

**Resilience:** “[The] capacity to rebound from adversity strengthened and more resourceful. It is an active process of endurance, self-righting, and growth in response to crisis and challenges. . . . Resilience entails more than merely surviving. . . . Survivors are not necessarily resilient; some become trapped in the position as victims” (Walsh, 2006, p. 4).

**Sexism:** “(Actions based on) the belief that the members of one sex are less intelligent, able, skilful, etc. than the members of the other sex, and especially that women are less able than men” (Central American Women’s Network, 2010, Introduction, Key Concepts).

**Simple adoption:** “a simple adoption is one in which the parent-child relationship which existed before the adoption is not terminated by a new legal parent-child relationship between the child and his or her adoptive parents is established, and those adoptive parents have parental responsibility for the child” (HCCHb, 2008 p. 16).

**Social construction:** “Refers to the way in which we as a society and the various contending interest within it structure and tells the stories about how the problems come to be the way they area. A group that can create and promote the most effective depiction has an advantage in the battle over about what, if anything, will be done about a problem. . . . The social construction of a problem is linked to the existing social, political, and ideological structures at the time” (Birkland, 2005, pp. 125-126).

**Technical assistance:** “Any Contracting State may seek advice or assistance from other Contracting States to achieve its targets for progressive implementation. The Permanent Bureau may also be able to provide general advice or assistance, or a more specific programme of assistance under the Intercountry Adoption Technical Assistance Programme [which] was designed to provide assistance directly to the governments of certain States which are planning ratification of, or accession to, the Convention, or which have ratified or acceded but are experiencing difficulties with implementation of the Convention” (HCCH, 2008b, pp. 40, Annex 2-7).

**Violence against Women (VAW):** “Gender-based violence against women linked to entrenched gender inequality and discrimination” (Central American Women’s Network, 2010, Introduction, Key Concepts).

**Vulnerability:** “Refers to susceptibility and risk...the exposure of groups of people or individuals to stress...which encompasses disruption to groups or individuals livelihoods and forced adaptation to the changing physical environment and loss of security. A combination of conditions account for this, including geographical difficulties, inequalities between different social or ethnic groups, governance failures and lack of governing capacity” (Carpenter, 2008).

## Appendix C

### List of emerging categories (constructivist categories)

Categories	Sub-categories	Emerging Issues
1. Persistent oppression	1.a. Vulnerability	1. Humble, without wealth
		2. Little education
		3. Large family
		4. War violence
		5. Single mother
		6. Irresponsible parenthood
		7. Betrayal, abandonment, not supported by own family
		8. Domestic violence
		9. Differences, racial and class marginalization
		10. Infertility (women in Guatemala and the United States)
	1.b. Trauma	11. Survivor of multiple traumas
		12. Sexual abuse
		13. Sadness, depression
		14. Deterioration of health and wellness (self, family)
		15. Fear, fear of being harmed
	2. Ambiguous loss, shame and guilt	16. Grief, despair
		17. Negation, guilt, and shame
		18. Pain, unique
		19. Blaming of the institutions and government of Guatemala
		20. Blaming of the adoptive family and the U.S. government
		21. Material losses (physical, of opportunities)
	3.a. Violation of rights	22. Violation of rights of women, mothers
		23. Violation of rights of children
		24. Victim of theft
		25. Violation of rights of victims
		26. Institutional abuse and neglect
		27. Allegations of child selling
		28. Kidnapping and extortion, attempts as well
	3.b. Impunity	29. Corruption (public)
		30. Irregular adoptions to the U.S.
		31. Child trafficking

<b>Categories</b>	<b>Sub-categories</b>	<b>Emerging Issues</b>
2. Adaptive capacity	4. To. Family cohesion	32. Family united, loving, supporting
	4. B. Personal Values	33. Maternity, family responsibility, breadwinner 34. Trust in God, his/her work 35. Luck, fate 36. Inner strength, determination
	5. Search for justice and reparation	37. Search for children's welfare 38. Application of justice (raids, arrests, trials) 39. Measurements of anti-corruption 40. Hope of reunification, reunion
3. Social resilience	6. To. Empowerment	41. Leadership in the family, community 42. Knowledge of laws, rights 43. Search for children 44. Self-advocacy and advocacy vis-à-vis public authorities 45. Reporting, public pressure
	6. B. Solidarity	46. Support from Fundación Sobrevivientes 47. Support from other people (in Guatemala and the United States) 48. Support among mothers, other mothers



**Appendix D**  
**Peer review report**

February 1, 2013

Regarding: Carmen Mónico

Virginia Commonwealth University

Dissertation Committee,

When Carmen decided to follow a constructivist inquiry method to answer her research questions, she asked that I act as her peer reviewer. I agreed based on a few important criteria. First, I am familiar with the core assumptions of constructivist inquiry and emergent, interpretive research. Secondly, though not strictly a requirement to play the role of peer reviewer, I am generally familiar with her topic and speak Spanish. Finally, Carmen and I have developed a trusting and open working relationship based on trust and respect. This is key to the role that I was expected to play.

I acted in this role by maintaining consistent peer debriefing meetings and communications (often via video conferencing) frequently throughout her research process. I asked difficult questions about her personal biases during the research design phase. I challenged her assumptions during data collection as she adjusted her probes and began initial interpretation. I followed her progressive subjectivity closely as she reconstructed a conceptual model, forcing

her to explain her process of interpreting and integrating central themes. Together we explored success steps needed throughout.

Additionally, I acted as a supporter and a cheerleader during stressful and challenging moments. This was often performed by listening and providing a sounding board for her reflections. Several central components of Carmen's inquiry became central to the peer review debriefing sessions, which were discussed with a focus on fidelity to the inquiry methods. One dimension of this study that we discussed at length was the protection of human subjects. Due to the nature of this topic, and the small though perhaps high profile participants, various measures of protecting their right to confidentiality were the subject of several peer review debriefing sessions.

Another frequent topic was that of maintaining the meaning of the experiences across languages. Others participated in reviewing the final translations, but I was also able to review several drafts and translations of Carmen's reports. The member checking process was also an important theme during our conversations; I viewed the material in Spanish that was shown to her participants.

During our peer review relationship we each kept a record, a reflexive journal that helped us maintain direction and continuity as well as added to the audit trail. Carmen has provided me access to completely open and transparent record keeping. I was able to continually review her proposal, research plan, evolving interview protocol, data deconstruction process, interpretation and conceptual model construction, methods for maintaining cultural authenticity, and various journals containing her reflections in all of these areas.

I reviewed her notes taken during our peer review debriefing session in particular in order to confirm congruity with my own records. As a result of this relationship, I am confident that

Carmen's research project meets the requirements of rigor that pertain to the peer review process outlined by the research method she selected and outlined in this dissertation.

Regards,

A handwritten signature in black ink, reading "Justin S. Lee". The signature is written in a cursive, flowing style.

Justin S. Lee, Ph.D., MSW

Peer Reviewer

**Appendix E**  
**Reports of Cultural Consultants**

**Cultural Consultant 1 Report**

[Translation from Spanish to English]

Guatemala, January 13, 2013

Office for Research

Virginia Commonwealth University (VCU)

By this means, I attest that throughout the year I have advised Carmen Mónico, BS, MSW, Ph.D. candidate of the Virginia Commonwealth University (VCU) in the development of her thesis “Implications of Child Abduction for Human Rights and Child Welfare Systems: A Constructivist Inquiry of the Lived Experience of Guatemalan Mothers.”

My support has been in reading and revising the research design and later the research developed, including the research instruments, interview transcriptions, as well as the prepared chapters and reports. I have given careful attention to the written work, the use of expressions, contents and language, making sure it is understood in the regional Central American context. I have focused on the integration of a gender perspective, by avoiding the use of sexist forms and representations or discriminatory.

Throughout this period, we have had a fluid communication and my comments and recommendations have been welcomed. She has incorporated the proposed changes in editing the documents, thus, strengthening the quality of the work done.

I consider that the topic she has focused on in the development of her research constitutes a contribution to the study of this topic in the region. Thus, her investigation not only meets the quality criteria in the administration of data and results but also it contributes to the study of a topic little explored in the country in the academic environment, in spite of its transcendence to the topic of human rights of women and children.

In addition, I consider adequate the research methodology, given that she has giving special attention to the treatment of research subjects, attending intercultural and gender aspects, which are critical to an investigation of this type.

Sincerely,

[Signature and name have been omitted to preserve anonymity of this cultural consultant, at her request)

Coordinador of the Aláide Foppa Course

Instituto Universitario de la Mujer [Women's Institute]

IUMUSAC

## **Cultural Consultant 2 Report**

[Translation from Spanish to English]

Guatemala, February 28, 2013

Office for Research

Virginia Commonwealth University (VCU)

To whom it may concern,

By this means, I attest that I have advised Carmen Mónico, BS, MSW, Ph.D. candidate of the Virginia Commonwealth University (VCU) in the development of her thesis “Implications of Child Abduction for Human Rights and Child Welfare Systems: A Constructivist Inquiry of the Lived Experience of Guatemalan Mothers,” from the time she arrived to Guatemala to the formulation of the report.

My contribution has been first the reading and revision of first the research design, and later the research work. I have contributed mainly from my experience on children and youth in Guatemala, as well as my knowledge of legal topics in the country related to intercountry adoption. I also have verified the correct translation and understanding of the Spanish language, and the legal technical part of the report.

Throughout this period we have had fluid communication, and my comments and recommendations have been taken into consideration by the PhD candidate Mónico.

I consider the investigation and the report developed to constitute a valuable contribution to the study of this topic in the region, since it has met the quality criteria in the management of information. The results contribute to the study of a topic little explored in the country in the academia, in spite of its transcendence in the area of human rights of women and children.

I consider the methodology of intervention to be adequate, since she had the opportunity to get the information directly from persons experiencing child abduction and adoption. She had a special care handling intercultural and gender aspects, which are critical in this type of investigation.

Sincerely,

[Signature and name have been omitted to preserve anonymity of this cultural consultant, at her request)

Lawyer and Notary Public

Specialist on Children and Labor Rights

**Appendix F**  
**Translation Reviewer Report**

March 24, 2013

Regarding: Carmen Mónico

Virginia Commonwealth University

Dissertation Committee,

I have acted as the cultural/language translation reviewer for the dissertation of PhD candidate Carmen Cecilia Mónico Martinez, since February of 2012. I originally accepted the role of cultural/language translation reviewer because of my deep cross-cultural involvement in Guatemala as a participant-action researcher since 2005, and in Central America since 1985. Not only had I previously reviewed the translation of another dissertation, that of Bolivian scholar Rene Mendoza, PhD from the IOB in Antwerp, Belgium, but I had decades of experience in written and oral translation with rural and urban Central American women and indigenous peoples. Further, I personally had known Ms. Mónico as a colleague and a friend since 1987 and had had deep conversations with her on repeated occasions about her career and intellectual development. I was delighted when Ms. Mónico asked me to do the review and knew that I would learn in the process, even as I contributed.

As I stated in my initial letter of intention, in conducting my own research in Guatemala, I became well aware of the hurdles researchers may find in ensuring human subject protection



and confidentiality. I knew that enlisting trustable professionals who can either translate or review one's translations could be a real challenge.

My support for Carmen has consisted in developing a collaborative approach in international research translation in order to ensure a more accurate translation of the collected data and its subsequent utilization in data interpretation and formulation of findings and recommendations by the doctoral student. In this last year, I have worked with Carmen in a way that never infringed on her human subjects concerns, and at the same time guaranteed the most faithful translation of the words of her sources.

Specifically I have read the original Spanish and English translation of her case study chapter, making corrections when the English translation skewed the meaning of the Spanish text, paying close attention to gender, class and ethnic nuances. My own experience working for seven years with Honduran women, and five years with Maya-Ch'orti' women in Guatemala was fundamental for my being able to grasp the nuances expressed by interviewees in relation to fear, violence, family expectations, and material hardship. At the same time, my dissertation field work on indigenous rights made me familiar with some of the legal and state entity language that was crucial to the chapter.

In general, Ms. Mónico's original translation was impeccable. Still, translation review of that chapter was vital because the chapter was built almost entirely on her successive interviews with the three mothers. I took special care in double-checking the exact words of the mothers and suggested changes in places where Ms. Mónico had made a literal translation, and the actual meaning of the phrase was different. Ms. Mónico accepted all of my recommendations. All told, I spent a total of forty hours reviewing a 100 page chapter and am extremely satisfied with the care and sensitivity that Ms. Mónico demonstrated in producing an accurate translation of the

Spanish: both her own and that from transcribed interviews. Previous to and throughout that time, Ms. Mónico and I maintained contact through skype and email so that I might ask her for clarification or make recommendations.

The most difficult area of translation has to do with the names for particular Guatemalan institutions and posts that do not have exact U.S. or British English equivalencies. Specifically the District Attorney's office and the Attorney General's office are translations of Fiscalía and Ministerio Público that are close approximations as the exact role of those offices varies between the US and Guatemala. I am confident, however, that the translation that Ms. Mónico and I agreed upon is the most accurate.

I attest that Ms. Mónico's research and translation demonstrate the utmost cultural sensitivity and translation accuracy. In addition her project represents in my assessment an incredibly important contribution to understanding the complex, multi-scaled, and relational dimensions—meaningful and material--of child abduction for international adoption.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Jennifer J. Casolo, PhD

Director and Assistant Professor of Geography

Study Abroad Program, CIRMA

Cultural/Language Translation Reviewer

## Appendix G

### Vocabulario de las entrevistas / Vocabulary from Interviews

**Aja:** expresión usada para asentir / expression used to assent

**Algotros:** Otras personas/ others

**Anda por las nubes:** Se siente como en el aire, desconectada / Feels airy, disconnected

**Atol:** bebida típica hecha de maíz / typical drink made of corn

**Bulla:** ruido/noise

**Bulto:** un promontorio / a load

**Cartones:** Carteleras de protesta / posters to protest

**Chavas:** mujeres jóvenes / Young women

**Chiquita:** niña pequeña / little girl

**Colitas:** pequeñas colas de pelo / Little ponytails

**Diosito:** Querido Dios / Dear God

**Gringos:** Norteamericanos / North Americans

**Hermana en Cristo:** Cristiana / Christian

**Hogares:** orfanatos públicos / orphanages, public institutions

**La Capital:** Ciudad de Guatemala / Guatemala City

**Licritas:** Pantalones de lycra de niña / lycra pants for girls

**Mal-hechores:** personas que han el mal / people who do bad things

**Marranos:** cerdos/pigs

**Mera mama:** madre verdadera / “real” madre

**Meros extraños:** un tanto extraños/ quite strange

**Monte:** campo / countryside

**Muchacho:** joven / young boy

**Nena:** se refiere a una niña con cariño; “mi nena” es “mi hija”/baby girl

**Patiecito:** Patio pequeño / small backyard

**Patojo:** niño o joven /child or youth

**Plantones:** protestas en frente de algún lugar / protests in front of some place

**Ponches:** Colchas / bed covers

**Pues:** refuerza una afirmacion o negacion hecha / it reinforces an affirmation or a denial

**Que le ponga sentimiento:** Que le ponga dedicación, compromiso a lo que hace / to dedicate or commitment oneself to what one does

**Que saque la manita del bolsillo y que las ponga en la mesa:** Que sea transparente en lo que hace / to be transparent about what one does

**Que se ponga bien los pantalones:** Que se ponga serio / to get serious

**Quetzal (Q):** moneda nacional de Guatemala / Guatemalan currency

**Regla:** menstruación de la mujer / women’s menstrual period

**Re-mal:** bien mal / really bad

**Ruedotas:** grander circulos / big circles

**Sanatorio:** hospital

**Seño:** señora /lady

**Serenazgo:** estación de policía ubicada en furgón (unidad provisional de policía de barrio) / police station located in a trailer (provisional unit of neighborhood police)

**Somatón:** golpeadiza / spanking hard

**Tapados:** cubiertos / covered

**Tantito:** un poquito / just a little

**Trencitas:** pequeñas trenzas de pelo / Little hair braids

**Transurbano:** Transporte público con seguridad publica / public transportation with public security

**Vario tiempo:** algún tiempo / some time

**Zangolotear:** sacudir /shaking

## Appendix H

### Endnote to Chapter 4 – References to Interview Codes

The codes emerging from data analysis are listed in numerical order in the narration of the case study (in Chapter 4). Every code used in the creation of units is composed of the number of participant (P1, P2, P3), the number of the interview (1, 2, 3), the unit of analysis drawn (quotation or Q), the line number where the reference is found, and referential page number.

[1] P1-2, Q1, 9, 1

[2] P1-2, Q2, 14-16, 1

[3] P1-2, Q3, 20-21, 1

[4] P1-2, Q5, 28-29, 1, P1-2, Q4, 21-22, 1

[5] OR-P1, 81-83, 3

[6] P2-2, Q1, 12-13, 1

[7] P2-2, Q 3, 15-16, 1

[8] P2-2, Q2, 14, 1

[9] P2-2, Q5, 25-37, 1

[10] P2-2, Q28, 203-206, 6

[11] P2-2, Q4, 21-22, 1

[12] P2-2, Q8, 72-74, 2

[13] P3-1, Q41, 146-150, 5

[14] P3-1, Q36, 115-118, 4

[15] P3-1, Q37, 118-122, 4

- [16] P1-2, Q6, 32, 1
- [17] P1-2, Q5, 28-29, 1, P1-2, Q7, 38-40, 1, P1-2, Q9. 42-44, 1-2
- [18] P1-2, Q8, 41-42, 1
- [19] P1-2, Q18, 74-75, 2
- [20] P1-2, Q10, 45-47, 2
- [21] P1-2, Q11, 51-52, 2
- [22] P1-2, Q12, 52-54, 2
- [23] P1-3, Q5, 38-39, 2
- [24] P1-3, Q6, 50, 2
- [25] P1-3, Q20, 146-149, 5
- [26] P2-2, Q9, 84, 2
- [27] P2-2, Q10, 84-85, 2
- [28] P2-2, Q11, 88-89, 3
- [29] P2-2, Q12, 94-95, 3
- [30] P2-3, Q111, 574-577, 17
- [31] P2-1, Q94, 387-388, 10
- [32] P2-1, Q95, 392-394, 10
- [33] P2-1 , Q96, 394-396, 10
- [34] P2-1, Q1, 12-13, 1
- [35] P2-3, Q48, 240, 8
- [36] P2-3, Q46, 231-231, 7
- [37] P2-2, Q26, 192-193, 6
- [38] P3-1, Q35, 109-110, 3

- [39] P3-1, Q60, 283-285, 9
- [40] P3-2, Q6, 113-115, 5
- [41] P3-1, Q38, 129-130, 4
- [42] P1-1, Q42, 172-174, 5
- [43] P1-3, Q56, 344-346, 10
- [44] P3-1, Q106, 646-647, 21
- [45] P1-3, Q69, 403-404, 12, P1-3, Q70, 408-410, 12
- [46] P1-3, Q71, 414-416, 12
- [47] P2-3, Q30, 95-97, 3
- [48] P3-2, Q15, 255-258, 9
- [49] P2-1, Q78, 309-328, 8
- [50] P2-1, Q80, 314-317, 8
- [51] P2-1, Q79, 312-314, 8
- [52] P2-1, Q81, 317-319, 8
- [53] P2-1, Q82, 320-322, 8
- [54] P2-3, Q89, 487-490, 15
- [55] P2-3, Q90, 491-493, 15
- [56] P2-3, Q91, 493-495, 15
- [57] P2-3, Q92, 495-497, 15
- [58] P2-3, Q93, 497-501, 15
- [59] P2-3, Q94, 507-510, 16
- [60] P2-3, Q95, 511 -513, 16, P2-3, Q96, 513-515, 16
- [61] P3-2, Q18, 276-277, 10



- [62] P3-2, Q19, 277-278, 10
- [63] P3-2, Q20, 287-290, 10
- [64] P3-2, Q21, 294-296, 11
- [65] P1-1, Q1, 11, 1, P1-3, Q56, 344-346, 10
- [66] P1-1, Q4, 31, 1
- [67] P1-1, Q5, 37, 1
- [68] P1-1, Q1, 11, 1, P1-1, Q2, 14-15, 1, P1-1, Q12, 67, 2
- [69] P1-3, Q47, 273-274, 8
- [70] P1-1, Q2, 14-15, 1; P1-1, Q16, 85-86, 2
- [71] P1-1, Q16, 85-86, 2
- [72] P2-1, Q2, 14-15, 1
- [73] P2-1, Q3, 17-19, 1
- [74] P2-1, Q4, 25-27, 1
- [75] P2-1, Q5, 27-29, 1
- [76] P2-1, Q6, 32-35, 1
- [77] P2-1, Q9, 42-45, 1-2
- [78] P2-1, Q7, 36-38, 1, P2-1, Q8, 40-41, 1
- [79] P3-1, Q1, 11-12, 1
- [80] P3-1, Q1, 11-12, 1
- [81] P3-1, Q4, 15-17, 1
- [82] P3-1, Q3, 14-15, 1
- [83] P1-1, Q6, 44, 1
- [84] P1-1, Q7, 49-50, 2

- [85] P1-2, Q31, 201-202, 6
- [86] P1-1, Q9, 58-59, 2
- [87] P1-1, Q10, 60-61, 2
- [88] P1-1, Q8, 53, 2, P1-1, Q11, 62-63, 2
- [89] P1-1, Q13, 76, 2, P1-1, Q14, 77-78, 2, P1-1, Q16, 85-86, 2
- [90] P1-1, Q15, 79, 2
- [91] P1-1, Q17, 93-94, 3
- [92] P1-1, Q19, 98-100, 3
- [93] P1-1, Q18, 94-96, 3
- [94] P1-1, Q18, 94-96, 3, P1-1, Q21, 105-106, 3
- [95] P1-1, Q20, 102-103, 3
- [96] P1-1, Q23, 111-112, 3
- [97] P1-1, Q51, 232-233, 6
- [98] P1-1, Q22, 108-109, 3
- [99] P1-1, Q31, 137-139, 4
- [100] P1-1, Q30, 136-137, 4
- [101] P1-1, Q32, 141-142, 4
- [102] P1-1, Q33, 142-144, 4
- [103] P1-1, Q34, 144 -145, 4
- [104] P1-1, Q35, 147-150, 4
- [105] P2-2, Q40, 329-330, 10
- [106] P2-1, Q11, 55-57, 2
- [107] P2-1, Q12, 57-59, 2, P2-2, Q38, 297-298, 9

- [108] P2-1, Q13, 59-61, 2
- [109] P2-1, Q14, 63-65, 2
- [110] P2-1, Q15, 66-67, 2, P2- 1, Q16, 69-71, 2
- [111] P2-1, Q17, 72-73, 2; P2-1, Q18, 73-74, 2
- [112] P2-1, Q19, 75-77, 2; P2-1, Q20, 77-78, 2
- [113] P2-2, Q41, 343-345, 10
- [114] P2-2, Q45, 408-410, 13
- [115] P2-1, Q21, 81-83, 2, P2-1, Q22, 83-85, 2
- [116] P2-1, Q23, 88-90, 2 -3
- [117] P2-1, Q24, 90-92, 3
- [118] P2-1, Q25, 93-95, 3, P2-1, Q26, 100-101, 3, P2-1, Q27, 101-103, 3
- [119] P2-1, Q29, 106-109, 3
- [120] P3-1, Q20, 55-57, 2
- [121] P3-1, Q5, 17-19, 1
- [122] P3-1, Q6, 19-21, 1
- [123] P3-1, Q7, 21-22, 1
- [124] P3-1, Q8, 22-24, 1
- [125] P1-1, Q37, 156-158, 4
- [126] P1-1, Q36, 150-151, 4
- [127] P1-1, Q37, 156-158, 4
- [128] P1-1, Q39, 164-165, 4
- [129] P1-1, Q38, 160-163, 4
- [130] P1-1, Q43, 175-176, 5

- [131] P1-1, Q40, 165-167, 4
- [132] P1-1, Q40, 165-167, 4
- [133] P1-1, Q42, 172-174, 5
- [134] P1-1, Q44, 185 -188, 5
- [135] P1-1, Q45, 188-189, 5
- [136] P1-1, Q46, 199-201, 5
- [137] P1-1, Q29, 137-139, 3
- [138] P1-1, Q28, 124-125, 3
- [139] P1-1, Q47, 208-209, 5
- [140] P1-1, Q48, 210-212, 5
- [141] P1-1, Q49, 214-216, 5-6
- [142] P2-1, Q31, 122-124, 3
- [143] P2-1, Q32, 125-128, 3
- [144] P2-2, Q43, 390, 12, P2-2, Q44, 404-406, 13
- [145] P2-1, Q35, 142-144, 4; P2-1, Q36, 144-146, 4; P2-2, Q53, 474-475, 15
- [146] P2-1, Q37, 147-150, 4
- [147] P2-1, Q38, 151-153, 4; P2-1, Q39, 154-155, 4
- [148] P2-1, Q44, 166-168, 4
- [149] P2-1, Q64, 244-245, 6; P2-1, Q65, 246-247, 6; P2-1, Q70, 258-259, 6
- [150] P2-1, Q66, 247-248, 6
- [151] P2-1, Q68, 251-254, 6
- [152] P2-3, Q109, 564-566, 17
- [153] P2-1, Q67, 248-250, 6

- [154] P2-3, Q111, 574-577, 17
- [155] P2-3, Q112, 584-587, 17
- [156] P2-3, Q110, 566-568, 17
- [157] P2-3, Q24, 65-66, 2
- [158] P2-3, Q25, 69-71, 2
- [159] P2-3, Q26, 73-75, 2-3
- [160] P3-1, Q9, 24-27, 1
- [161] P3-1, Q10, 28-29, 1
- [162] P3-1, Q10, 28-29, 1
- [163] P3-1, Q66, 338, 11
- [164] P3-1, Q12, 32-33, 1
- [165] P3-1, Q27, 80-81, 3
- [166] P3-1, Q28, 82, 3
- [167] P3-1, Q29, 83-84, 3
- [168] P3-1, Q30, 85-87, 3
- [169] P3-1, Q31, 87-90, 3
- [170] P3-1, Q33, 98, 3
- [171] P3-1, Q52, 233, 7
- [172] P3-1, Q51, 223-225, 7
- [173] P3-1, Q50, 211, 7
- [174] P3-1, Q53, 246-248, 8
- [175] P3-1, Q54, 263-264, 9
- [176] P3-1, Q34, 101 -102, 3

- [177] P3-1, Q55, 265 -268, 9
- [178] P3-1, Q58, 276-278, 9
- [179] P3-1, Q56, 268-270, 9
- [180] P3-1, Q59, 282-283, 9
- [181] P3-1, Q64, 314-318, 10
- [182] P3-1, Q65, 324-328, 10
- [183] P3-1, Q32, 93-98, 3
- [184] P3-1, Q57, 273-276, 9
- [185] P3-1, Q60, 283-285, 9
- [186] P3-1, Q92, 556-558, 18
- [187] P3-1, Q93, 558-560, 18
- [188] P3-1, Q94, 568-569, 18
- [189] P1-2, Q45, 371-373, 11
- [190] P1-2, Q47, 389-390, 11
- [191] P1-2, Q46, 376-378, 11
- [192] P1-2, Q53, 451-452, 13
- [193] P1-2, Q54, 460-462, 14
- [194] P1-2, Q55, 472-474, 14
- [195] P2-3, Q1, 3-6, 1
- [196] P2-3, Q2, 6-7, 1
- [197] P2-3, Q3, 7-8, 1
- [198] P2-3, Q4, 8-9, 1
- [199] P2-3, Q82, 458-460, 14

- [200] P2-3, Q5, 10-11, 1
- [201] P2-3, Q12, 23-25, 1, P2-3, Q83, 463-465, 14-15
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